FEDERAL REGISTER

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Regulations

TITLE 7—AGRICULTURE

Chapter VIII—Sugar Agency

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF FAIR AND REASONABLE PRICES FOR THE 1941–1942 CROP OF PUERTO RICAN SUGARCANE

Whereas, section 301 (d) of the Sugar Act of 1937, as amended, provides, as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

That the producer on the farm who is also, directly or indirectly, a processor of sugar beets or sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugar beets or sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

Whereas, The Secretary of Agriculture, on February 3, 1942, held a public hearing at San Juan, Puerto Rico, for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable prices for the 1941–1942 crop of Puerto Rican sugarcane:

Now, therefore, I, Claude R. Wickard, Secretary of Agriculture, after investigation and due consideration of the evidence obtained at the aforesaid hearing and all other information before me, do hereby make the following determination with respect to the requirements of section 301 (d) of the Sugar Act of 1937:

§ 802.42d. *Fair and reasonable prices for the 1941–1942 crop of Puerto Rican sugarcane.* Fair and reasonable prices for the 1941–1942 crop of Puerto Rican sugarcane to be paid by processors who, as producers, apply for payments under the Sugar Act of 1937, as amended, shall be as follows:

(a) When payment for sugarcane delivered to a producer-processor is made by actual delivery of sugar to the producer (colono) on the basis of a stated percentage of 96° raw sugar recoverable from the producer's sugarcane, such percentage shall be the same as for the 1940–1941 crop, calculated in accordance with the formula given below, except that in no event shall it be less than 63% of the recoverable sugar (packed in the customary bags) determined in accordance with the formula given below, and except, further, that such recoverable sugar shall be calculated fortnightly or monthly, as may be agreed upon between the producer and the producer-processor:

$$R=(S-0.3B)\ F$$

where:

R=Recoverable sugar yield, 96° polarization.

S=Polarization of the crusher juice obtained from the sugarcane of each producer.

B="Brix" of the crusher juice obtained from the sugarcane of each producer.

F=Factor obtained from the fraction whose numerator is the average yield of sugar 96° polarization obtained from the aggregate grinding during each fortnight or month in which the cane of the producer is ground, and whose denominator is the average polarization of the crusher juice minus three-tenths of the Brix of the crusher juice, both components of the denominator being obtained from the aggregate grinding during the fortnight or month in which the cane of the producer has been ground:

Provided, however, That in the event a mill has been using the formula set forth below to calculate the sugar recoverable from the cane ground during the 1941–1942 crop year, such formula may be used

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FEDERAL REGISTER

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to determine the recoverable sugar from the 1941–1942 crop of sugarcane:

$$R=FS$$

where:

R=Recoverable sugar, 96° polarization.

S=Polarization of the crusher juice obtained from the sugarcane of each producer, during each fortnight or month.

F=Fraction whose numerator is the average yield of sugar of 96° polarization obtained from the aggregate grinding during each fortnight or month in which the cane of the producer (colono) has been ground, and whose denominator is the average polarization of the crusher juice obtained from the aggregate grinding during the fortnight or month in which the cane of the producer (colono) has been ground:

Provided, further, That when, through the delivery of unripe or burnt cane, or through any other cause, the recoverable sugar determined in accordance with the aforesaid provisions amounts to nine pounds or less per 100 pounds of cane, or when sugarcane is delivered of the Japanese, Uba, Coinbatore, or other varieties of the Sacharum Spontaneum or Sacharum Sinensis type, the payment shall be on the basis of rates not less than those provided in the 1940–1941 cane grinding agreement between the producer-processor and the producer.

(b) When payment for sugarcane delivered to a producer-processor is made by actual delivery of sugar to the producer on the basis of an amount of 96° raw sugar equal to a stated percentage of the weight of the sugarcane received from the producer (commonly referred to as the "flat rate" basis), the applicable percentage for the computation of the quantity of sugar deliverable to the producer shall be not less than the greater of either, (1) the percentage provided for in existing contracts (verbal or written) between the producer and the producer-processor; or (2) the product of the average number of pounds of sugar, 96° basis, recovered per 100 pounds of sugarcane during the current crop or month, or week (as may be agreed upon), at the mill where the sugarcane was ground, and .63. The figure for the average number of pounds of sugar, 96° basis, recovered per 100 pounds of sugarcane shall be rounded to the nearest one-tenth of a pound. The product of such figure and .63 shall be rounded to the nearest one-hundredth of 1 percent. If payment is to be determined from the sugar recovery for the entire crop, as aforesaid, provisional liquidation shall be made fortnightly or monthly on such bases as may be agreed upon between the producer (colono) and the producer-processor.

(c) When settlement is made in cash, the money value of the sugar which would otherwise be delivered to the producer, as in paragraph (a) or (b) of this section (whichever is applicable), shall be determined on the basis of the average duty paid price for 96° sugar for the fortnight or month (or such other period as may be agreed upon between the producer and the producer-processor) during which the sugarcane is delivered to the producer-processor, converted to the equivalent f. o. b. mill price by deducting selling and delivery expenses actually incurred by the producer-processor, except that in no event shall such deduction amount to more than .31 cent per pound of sugar, plus the excess of the average selling and delivery expense incurred in 1942 over that incurred in 1941: *Provided, however,* That the producer-processor shall adjust (or agree to adjust) the f. o. b. mill price, determined in the aforesaid manner, to give recognition to any reimbursement of selling and delivery expenses made to the producer-processor by any government agency.

(d) When payment is made by delivery of sugar, as in paragraph (a) or

(b) of this section, the producer-processor shall (1) store and insure (or agree to store and insure) all such sugar until the end of the calendar year free of charge to the grower (except that the grower shall bear a proportionate share of any charges arising out of the necessity of utilizing outside storage facilities) and (2) share (or agree to share) with the producer, on a pro rata basis, all ocean shipping facilities available to the producer-processor.

(e) In addition to the foregoing, the following requirements shall be met:

(1) The producer-processor shall pay to the grower a molasses bonus per ton of cane delivered, such bonus to be computed by dividing one-half of the excess, if any, of the net proceeds realized from the sale of blackstrap molasses of the 1941–1942 crop over the net proceeds realized from the sale of blackstrap molasses of the 1940–1941 crop, by the total number of tons of 1941–1942 crop sugarcane ground by the producer-processor.

(2) When sugarcane is delivered to a producer-processor in the name of a person other than the producer thereof (commonly referred to as "purchasing agent"), the producer-processor shall make payment to the producer of such sugarcane in accordance with the provisions of this determination.

(3) The producer-processor shall not, through any subterfuge or device whatsoever, reduce the returns from the 1941–1942 crop of Puerto Rican sugarcane to the producer below those determined above. (Sec. 301, 50 Stat. 910; 7 U.S.C. 1940 ed. 1131)

Done at Washington, D. C., this 2nd day of June 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42–5160; Filed, June 2, 1942; 3:25 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regulations, Serial No. 223]

PART 01—AIRWORTHINESS CERTIFICATES

DURATION OF CERTIFICATES—INSPECTION PROVISION SUSPENDED

Suspending the operation of § 01.13 (1)[1], Duration of Aircraft Airworthiness Certificates.

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 25th day of May 1942.

It appearing that:

(a) The provisions of the Civil Air Regulations with respect to the duration of airworthiness certificates provide that such certificates shall expire "at the end of a specifically designated period after the date of issuance of the certificate or after the date of the last endorsement thereof, whichever is later, if the holder of such certificate fails to secure within such period an examination or inspection by an authorized Inspector of the Administrator;

(b) By reason of the numerous additional duties placed upon the Inspectors of the Administrator because of the existing state of war, it will be physically impossible to endorse all aircraft airworthiness certificates prior to their expiration;

The Board finds that:

Its action is desirable in the public interest;

Now therefore, The Civil Aeronautics Board, acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205, 601 and 603 of said Act, repeals Regulation Serial Number 200 and in lieu thereof, promulgates the following special regulation, effective immediately:

Section 01.13 (1) of the Civil Air Regulations is suspended until such time as the Civil Aeronautics Board shall otherwise order.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42–5195; Filed, June 3, 1942; 11:15 a. m.]

[1] 6 F.R. 5037.

[Amendment 20–49, Civil Air Regulations]

PART 20—PILOT CERTIFICATES

MILITARY COMPETENCE

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 29th day of May 1942.

Acting pursuant to sections 205 (a), 601 (a) and 602 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective May 29, 1942, Part 20 of the Civil Air Regulations is amended as follows:

By amending § 20.149[1] to read as follows:

§ 20.149 *Military competence.* An applicant who, within 60 days preceding application, has been an active member of the regular Army, Navy, Marine Corps, or Coast Guard of the United States, or a reserve member of such service, on active duty for a period of not less than 1 year, or a citizen of the United States who, within 60 days preceding application, has been an active member for a period of not less than 1 year of, and has been honorably discharged from the armed service of any government allied with the United States during the present war emergency, will be deemed to have met the requirements of § 20.145 through § 20.147 if he submits to an inspector of the Administrator a certificate from the appropriate officer in charge of flying in his service that he was on a flying status as an aircraft pilot at the time of his separation from the service, and was at that time competent to pilot aircraft of a stated type and, in the case of an airplane, airplane class and horsepower: *Provided,* That an applicant who is an American citizen and who has been honorably discharged from the armed forces of a foreign government allied with the United States shall satisfactorily accomplish a written examination on the provisions of the Civil Air Regulations applicable to his grade of certificate.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42–5197; Filed, June 3, 1942; 11:15 a. m.]

[1] 6 F.R. 2870, 2899.

[Amendment 20–48, Civil Air Regulations]

PART 20—PILOT CERTIFICATES

PERMISSION TO USE AIRCRAFT

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 29th day of May 1942.

Acting pursuant to sections 205 (a) and 601 (a) of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective May 29, 1942, Part 20 of the Civil Air Regulations is amended as follows:

By amending § 20.617[1] to read as follows:

§ 20.617 *Permission to use aircraft.* Neither the owner nor anyone having custody of an aircraft shall permit any person to operate such aircraft unless the owner or the one having custody of the aircraft has ascertained that such person is the holder of an appropriate currently effective pilot certificate by actual examination of the certificate and by requiring such person to identify himself as the person referred to in the certificate. If any pilot is found to have piloted an aircraft after December 10, 1941, without possessing an appropriate currently effective pilot certificate, the owner of the aircraft will be presumed to have permitted such piloting in violation of this section.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42–5196; Filed, June 3, 1942; 11:15 a. m.]

[1] 6 F.R. 6452.

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T.D. 50647]

PART 4—APPLICATION OF CUSTOMS LAWS TO AIR COMMERCE

CERTAIN AIRPORTS REDESIGNATED AS AIRPORTS OF ENTRY FOR A PERIOD OF ONE YEAR

JUNE 1, 1942.

The following-named airports are hereby redesignated as airports of entry

for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U. S. C. title 49, sec. 179 (b)), for a period of one year from the dates shown opposite their names:[1]

Name and location	*Date of redesignation*
John G. Hinde Airport, Sandusky, Ohio	June 1, 1942
Great Falls Municipal Airport, Great Falls, Mont.	June 2, 1942
Havre Municipal Airport, Havre, Mont.	Do.
Watertown Municipal Airport, Watertown, N. Y.	Do.

(Sec. 7 (b), 44 Stat. 572; 49 U.S.C. 177 (b)).

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 42-5162; Filed, June 2, 1942; 4:28 p. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

Subchapter D—Munitions Control

PART 201—INTERNATIONAL TRAFFIC IN ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

Pursuant to the authority vested in the Secretary of State by section 12 of the joint resolution approved November 4, 1939 (54 Stat. 10; 22 U.S.C. 452), sections 1 and 2 of the joint resolution approved January 31, 1922 (42 Stat. 361; 22 U.S.C. 409, 410), and proclamations issued pursuant thereto, the regulations governing the international traffic in arms, ammunition, and implements of war, heretofore promulgated by him,[2] are hereby superseded by the following regulations:

Sec.

AUTHORITY: §§ 201.1 to 201.40, inclusive, issued under 42 Stat. 361, 54 Stat. 10; 22 U.S.C. 409, 410, 452.

§ 201.1 *Application for registration.* All persons engaged in the business of manufacturing, exporting, or importing any of the arms, ammunition, or implements of war enumerated in the President's Proclamation 2549 of April 9, 1942 (7 F.R. 2769), shall register with the Secretary of State by duly filling out and transmitting to the Secretary of State an application for registration on form DE–R4, requests for which should be addressed to the Secretary of State. Applications for registration must be signed and sworn to in the presence of a notary public before they are transmitted to the Secretary of State.

§ 201.2 *Registration fee.* Applications for registration transmitted to the Secretary of State must be accompanied by a registration fee of $100 in the form of a money order or a certified check.

§ 201.3 *Certificate of registration.* Upon the receipt of an application for registration, accompanied by a registration fee of $100, the Secretary of State will issue to the applicant, as a receipt, a certificate of registration (form DE–C4), duly signed and sealed.

§ 201.4 *Notification of changes regarding application for registration.* Every person registered shall notify the Secretary of State of any change in the information set forth in his application for registration. If the change involves a revision of the list of arms, ammunition, and implements of war which he manufactures, exports, or imports, or a change of name, such registered person shall submit a new application on form DE–R4 (see § 201.1) for an amended certificate of registration including this information. Upon the receipt of a duly executed application therefor, the Secretary of State will issue to such person, free of charge, an amended certificate of registration which will remain valid until the date of the expiration of his original certificate.

§ 201.5 *Certain component parts requiring registration.* Manufacturers, exporters, and importers of component parts of the articles or units enumerated in the President's Proclamation 2549 of April 9, 1942, but not of a complete article or unit listed in that proclamation, are not required to register under the joint resolution. Aircraft wheels and aircraft propeller blades are, however, considered as constituting to such an unusual degree the main body of aircraft under-carriage units and aircraft propellers that the manufacture, exportation, or importation of such wheels or blades alone is held to subject the manufacturer, exporter, or importer to the requirement of registration.

§ 201.6 *Forgings, castings, and machined bodies.* Forgings, castings, and machined bodies for any of the arms, ammunition, or implements of war enumerated in the President's Proclamation 2549 of April 9, 1942, which have reached such a stage in manufacture that they are clearly identifiable as articles enumerated in the proclamation, substantially entire, but in unfinished form, are considered to constitute arms, ammunition, or implements of war for the purposes of section 12 of the joint resolution.

§ 201.7 *Production for experimental or scientific purposes.* The production for experimental or scientific purposes, when such production is not followed by sale, of the appliances and substances included in category VI of the President's Proclamation 2549 of April 9, 1942, or of single units of other arms, ammunition, and implements of war, is not considered as manufacture for the purposes of section 12 of the joint resolution.

§ 201.8 *Persons who may make or receive occasional shipments.* Persons who are not engaged in the business of exporting or importing arms, ammunition, or implements of war, but who, either for their own personal use or as forwarding agents for persons who are engaged in this business, or, in exceptional circumstances, in other capacities, may make or receive occasional shipments of such articles, will not be considered as exporters or importers of arms, ammunition, and implements of war within the meaning of section 12 of the joint resolution. Licenses for such shipments must, however, be obtained in accordance with the provisions of § 201.23.

§ 201.9 *National Firearms Act; Federal Firearms Act; Federal Explosives Act.* The provisions of these regulations shall be considered as binding, in addition to, and not in lieu of, those established under the provisions of the National Firearms Act, approved by the President June 26, 1934 (48 Stat. 1236; 26 U.S.C. ch. 25), as amended February 10, 1939 (53 Stat., pt. 1, ch. 25; 26 U.S.C. ch. 25); under the provisions of the Federal Firearms Act, approved by the President June 30, 1938 (52 Stat. 1250;

[1] This document affects the tabulation in 19 CFR 4.13.

[2] Formerly codified under title 22, part 171, and title 32, part 1. See also note regarding § 171.49 at the end of this part.

15 U.S.C. ch. 18); and under the provisions of the Federal Explosives Act, approved by the President October 6, 1917 (40 Stat. 385; 50 U.S.C. ch. 8), as amended December 26, 1941 (55 Stat. 863; 50 U.S.C. ch. 8). The National Firearms Act imposes certain taxes upon manufacturers, importers, and dealers in certain firearms and taxes upon transfers of certain firearms. The term "firearm", as used in this act, includes "a shotgun or rifle having a barrel of less than eighteen inches in length, or any other weapon, except a pistol or revolver, from which a shot is discharged by an explosive if such weapon is capable of being concealed on the person, or a machine gun, and includes a muffler or silencer for any firearm whether or not such firearm is included within the foregoing definition, but does not include any rifle which is within the foregoing provisions solely by reason of the length of its barrel if the caliber of such rifle is .22 or smaller and if its barrel is sixteen inches or more in length". The Federal Firearms Act applies to manufacturers and dealers who are engaged in interstate or foreign commerce in firearms and ammunition. The term "firearm", as used in this act, means "any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive and a firearm muffler or firearm silencer, or any part or parts of such weapon"; and the term "ammunition" includes "all pistol or revolver ammunition except .22-caliber rim-fire ammunition". The Federal Explosives Act is applicable to the manufacture, distribution, storage, use, and possession of explosives in time of war. The term "explosives", as used in this act, means "gunpowders, powders used for blasting, all forms of high explosives, blasting materials, fuzes (other than electric circuit breakers), detonators, and other detonating agents, smokeless powders, and any chemical compounds or mechanical mixture that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities, or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of the compound or mixture or any part thereof may cause an explosion". Rules and regulations for the enforcement of the National Firearms Act and the Federal Firearms Act are prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Rules and regulations for the enforcement of the Federal Explosives Act are prescribed by the Director of the Bureau of Mines, Department of the Interior.

§ 201.10 *Applications for licenses.* No person shall export or import any arms, ammunition, or implements of war except when such exportation or importation is authorized by a license issued by the Secretary of State. Forms of application for export licenses or for import licenses will be furnished by the Secretary of State to appropriately registered persons upon request.

§ 201.11 *Import licenses.* The Secretary of State will issue import licenses to appropriately registered applicants upon the presentation of applications for license, properly executed: *Provided,* That, in case the articles to be imported are firearms as enumerated in the National Firearms Act, or firearms or ammunition as enumerated in the Federal Firearms Act, both of which acts are referred to under § 201.9, the importer has conformed to the pertinent regulations prescribed by the Secretary of the Treasury. With reference to explosives, see the regulations issued under the Federal Explosives Act by the Director of the Bureau of Mines, Department of the Interior, referred to in § 201.9 (32 CFR 301.3 (b) (2); 7 F.R. 306).

§ 201.12 *Export licenses.* The Secretary of State will issue export licenses to appropriately registered applicants upon the presentation of applications for license, properly executed, unless the exportation of arms, ammunition, or implements of war for which a license is applied for would be in violation of a law of the United States or of a treaty to which the United States is a party (see §§ 201.37–201.40 and Part 204): *Provided, however,* That export licenses shall not be issued in any case when it shall have been determined under the authority of the President, in accordance with the provisions of section 6 of the act of Congress approved July 2, 1940 (54 Stat. 714; 50 U.S.C., app. 701), that the proposed shipment would be contrary to the interest of the national defense.

§ 201.13 *Licenses not transferable.* Export and import licenses are not transferable and are subject to revocation without notice. If not revoked, licenses are valid for one year from the date of issuance, and shipments thereunder may be made through any port of exit or entry in the United States. The naming of the proposed port of exit under paragraph 3 of the application for export license or the proposed port of entry under paragrah 3 of the application for import license does not preclude shipment through another port if the arrangements made by the exporter or importer are altered subsequent to the issuance of the license.

§ 201.14 *Alterations.* No alterations may be made except by the Department of State, or by collectors of customs or postmasters acting under the specific instructions of the Department of State, in export or import licenses which have been issued under the seal of the Department of State.

§ 201.15 *Revoked licenses.* Export or import licenses which have been revoked or which have expired must be returned immediately to the Secretary of State.

§ 201.16 *Country of ultimate destination.* The country designated on the application for license to export as the country of destination should, in each case, be the country of ultimate destination. If the goods to be exported are consigned to one country, with the intention that they be transshipped thence to another country, the latter country should be named as the country of destination. If the country of ultimate destination cannot be ascertained at the time the application for export license is made, the country of initial destination may be named on the application as the country of destination. In such a case, however, the facts must be clearly explained and the Secretary of State must be informed of the ultimate destination by the exporter as soon as the latter has learned the country of ultimate destination of the shipment. The Secretary of State may refuse to grant an application for an export license until he is informed of the country of ultimate destination in order that he may assure himself that the license may be legally issued.

§ 201.17 *Shipper's export declaration.* The shipper's export declaration (customs form 7525) covering arms, ammunition, or implements of war for which an export license is required must contain the same information in regard to the nature and the value of the articles to be exported as that which appears on the application for license. If the person designated on the export declaration as the actual shipper of the goods is not the person to whom the export license has been issued by the Secretary of State, the name of this shipper should appear on the export license as that of the consignor in the United States.

§ 201.18 *Type and model designation.* Applications for license to export arms, ammunition, and implements of war should state, whenever possible, the type and model designation of the article to be exported in order that the Secretary of State may determine, before issuing the license, that the provisions of Part 204 of these regulations would not be violated by the exportation of the article in question. If an application is submitted in which the articles to be exported are inadequately designated, it will be returned to the applicant for completion in this respect.

§ 201.19 *Presentation of licenses to collector of customs.* The originals of licenses for the exportation and the importation of arms, ammunition, and implements of war must be presented to the collector of customs at the port through which the shipment authorized by the license is being made. Export and import licenses covering arms, ammunition, and implements of war must be filed with the appropriate collector of customs before the exportation or importation is made.

§ 201.20 *Export-license material to be packed separately.* Arms, ammunition, and implements of war must, when exported, be packed separately from all other goods, except when the shipment is too small to make this segregation practicable, in which case the exporter should list separately in the application for export license the other articles which are being included in the package.

§ 201.21 *Licenses for shipments by parcel post.* Export and import licenses for arms, ammunition, and implements of war which are shipped by parcel post must be presented to the postmaster at the post office at which the parcel is mailed or received.

§201.22 *Articles in transit through the territory of the United States.* Arms, ammunition, and implements of war entering or leaving a port of the United States, in transit through the territory of

the United States to a foreign country, will not be considered as imported or exported within the meaning of section 12 of the joint resolution if such articles are consigned from any place in a state whose territory is contiguous to that of the United States to any other place in the same state.

§ 201.23 *Application for export or import licenses on behalf of persons who are not required to register.* Persons who are registered as exporters or importers of arms, ammunition, or implements of war under section 12 of the joint resolution may make application for export or import licenses on behalf of persons who are not required to register under the joint resolution but who may, in accordance with the provisions of § 201.8 of this part, desire to make or receive occasional shipments of arms, ammunition, or implements of war.

§ 201.24 *Arms more than 100 years old.* Arms, ammunition, and implements of war which are more than 100 years old will not be considered as arms, ammunition, or implements of war within the meaning of section 12 of the joint resolution. Evidence in support of exemptions claimed hereunder should be submitted to the collector of customs at the port of entry or exit, as the case may be.

§ 201.25 *Arms for the individual use of the person to whom consigned.* Rifles, carbines, revolvers, and pistols entering the United States in single units for the individual use of the person to whom consigned will not be considered as imported within the meaning of section 12 of the joint resolution. (This does not relieve the consignee from the obligation to comply with such of the regulations prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, under the National Firearms Act and the Federal Firearms Act, referred to in § 201.9, as may be applicable in the premises.)

§ 201.26 *Arms for sporting or scientific purposes; arms carried on person or in baggage.* Arms and ammunition which enter or leave the United States on the person of an individual or in his baggage, and which are intended exclusively for the personal use of that individual for sporting or scientific purposes or for personal protection, will not be considered as imported or exported within the meaning of section 12 of the joint resolution. The individual on whose person or in whose baggage the arms or ammunition or both are being carried must, however, declare the arms or ammunition or both to the collector of customs at the port of exit or entry and, before exit from the United States or entry into the United States is made, establish to the satisfaction of the collector that the arms or ammunition or both are in fact intended exclusively for the personal use of the individual in question for sporting or scientific purposes or for personal protection. No more than 3 arms and no more than 500 cartridges shall in any case be carried from or into the United States by an individual under the provisions of this section without an export or import license having been obtained.

§ 201.27 *Arms, ammunition, etc., intended for official use.* Arms, ammunition, and implements of war intended for the official use of or consumption by an agent or agency of the Government of the United States, or which are to be used or consumed under the direction of such agent or agency of the Government, may be exported or imported without license when consigned to an agent or agency of the Government in the case of imports and when consigned by an agent or agency of the Government in the case of exports.

§ 201.28 *Arms returned to the United States worn or damaged.* Arms and implements of war which have been legally exported from the United States, and which are returned to the United States worn or damaged for repair and reexport, will not be considered as imported within the meaning of section 12 of the joint resolution. An export license must be obtained, however, before such articles are reexported. Evidence in support of exemptions claimed hereunder should be submitted to the collector of customs at the port of entry.

§ 201.29 *Articles removed from and to contiguous territory for testing.* Articles constituting arms, ammunition, and implements of war manufactured for the account of the United States or of a contiguous state, in the United States or a contiguous state, which may enter or leave the United States for testing purposes and are to be returned to the state in which manufactured, shall not be deemed to be exported or imported within the meaning of section 12 of the joint resolution approved November 4, 1939. Satisfactory evidence must be submitted to the collector of customs at the appropriate port that the articles are being transferred for the purpose of testing and will be returned to the country of origin. If any article otherwise requiring an import or export license is added during such temporary sojourn and returned with the *matériel* being tested, such added article requires an import or export license as usual.

§ 201.30 *Lend-lease shipments.* Arms, ammunition, and implements of war transferred as *defense aid* under section 3 of the act of March 11, 1941 (55 Stat. 31; 22 U.S.C. Sup. 412) are exempt from the licensing requirements of section 12 of the joint resolution.

§ 201.31 *Certain component parts requiring license.* Licenses are required under the provisions of section 12 of the joint resolution for the exportation or importation of only those articles which are specifically mentioned in the President's Proclamation 2549 of April 9, 1942. Such licenses are not required for the exportation or importation of the component parts of the articles or units enumerated in that proclamation, except in cases where the exportation or importation of such parts may reasonably be considered as involving, in fact, the exportation or importation of a substantially complete article or unit in unassembled form. Aircraft wheels and aircraft propeller blades are, however, considered as constituting to such an unusual degree the main body of aircraft under-carriage units and aircraft propellers that a license is required for the exportation or the importation of wheels and propeller blades, even when they are shipped alone.

§ 201.32 *Articles under category I (5) filled with non-lethal gas or fluid.* While a license is required for the exportation of all articles listed in subsection (5) of category I of the President's Proclamation 2549 of April 9, 1942 which are intended or adapted for military purposes, the fact that such an article, when exported, is filled with a non-lethal gas or fluid having a common non-military use will be considered as *prima-facie* evidence that the article is not intended for military purposes. Licenses issued under the provisions of section 12 of the joint resolution are not required for the exportation of articles listed under subsection (5), even when exported empty, if they are adapted or intended solely for non-military use. Articles listed in subsection (5) will be considered *ipso facto* as intended or adapted for military purposes unless, when exported, they either contain a non-lethal gas or fluid or can be proven to be adapted and intended solely for a specific non-military use.

§ 201.33 *"Propellent powders", "potassium nitrate powders", "sodium nitrate powders".* The terms "propellent powders", as used in subsection (1) of category VII of the President's Proclamation 2549 of April 9, 1942, and "potassium nitrate powders" and "sodium nitrate powders", as used in subsection (2) of the same category, apply to those powders in bulk. They do not apply to such powders when enclosed in cartridges of types not enumerated in the proclamation, in pyrotechnics, in safety fuse, or in other similar devices. Licenses issued under the provisions of section 12 of the joint resolution will not, therefore, be required for the exportation or importation of such cartridges or devices, even though they may contain one of these powders.

§ 201.34 *Aircraft flown or shipped from the United States for a temporary sojourn abroad.* Aircraft flown or shipped from the United States for a temporary sojourn abroad, of not to exceed 6 months' duration, will not be considered as exported within the meaning of section 12 of the joint resolution when it is the intention of their owners that they shall remain under United States registry and shall be operated by a United States licensed pilot (except in demonstration flights) during the entire period of their sojourn abroad and when, further, there is no intention on the part of their owners to dispose of them or of any of their essential parts listed in the President's Proclamation 2549 of April 9, 1942, in any foreign country. It should be noted that the United States registry of an aircraft which is sold to an alien either in the United States or abroad is canceled automatically at the time of the sale under the Civil Air Regulations of the Civil Aeronautics Board. Should the owners, after the departure of an aircraft flown or shipped from the United States without an export license, proposed to place

the aircraft under foreign registry, or to have it operated by a pilot not holding a United States license (except during demonstration flights), or to dispose of an aircraft, or any of the essential parts referred to, in any foreign country, the aircraft, or the part in question, must be returned to the United States and a license obtained for its exportation to the country concerned. Aircraft of United States registry returning to the United States from foreign countries will not be considered as imported within the meaning of section 12 of the joint resolution. Aircraft of foreign registry entering the United States for a temporary sojourn, or leaving the United States after such a sojourn, will not be considered as imported or exported within the meaning of section 12 of the joint resolution.

§ 201.35 *Customs clearance for aircraft.* Aircraft flown or shipped for temporary sojourn under the provisions of § 201.34 shall not be so flown or shipped until customs clearance has been obtained. Evidence in support of claim for exemption from the requirement of an import or export license should be submitted to the appropriate collector of customs. Aircraft flown into the United States should be cleared through the customs authorities at the airport of entry where first landing is made or at such other airport or base where advance permission to land has been obtained from the Commissioner of Customs. In case of forced landings of aircraft arriving in the United States, clearance should be obtained at the port of entry or customhouse nearest to the place where such forced landing is made. Aircraft flown out of the United States should be cleared through the customs authorities at the customs port of entry nearest to the place of departure, or at the airport of departure if such airport has been designated as an airport of entry. Before an aircraft of United States registry leaves the United States for a temporary sojourn abroad, the customs authorities at the port of exit through which the aircraft is cleared should be informed of the approximate date of return of the aircraft and the port of entry through which it is proposed to return the aircraft to the United States. Persons planning to make flights outside the United States are advised, moreover, to communicate with the Civil Aeronautics Board with regard to its requirements. The requirements set forth herein have no application to civil aircraft operated by commercial airlines on regular schedules between the United States and foreign countries under certificates of public convenience and necessity or foreign air-carrier permits issued by the Civil Aeronautics Board. The provisions of this paragraph shall be considered as binding in addition to, and not in lieu of, the customs regulations.

§ 201.36 *Records of manufacture, exportation, and importation.* The Secretary of State prescribes that all persons required to register under section 12 of the joint resolution approved November 4, 1939 shall maintain, subject to the inspection of the duly authorized agents of the Secretary of State or of any other enforcement agency of the Government of the United States and distinct from all other records, special permanent records in which shall be recorded the amounts and estimated values of the arms, ammunition, and implements of war manufactured by them for export, and similar records of all arms, ammunition, and implements of war imported or exported by them. The records of articles imported shall, in addition, contain information as to the consignors of articles imported and the port of origin of each shipment. The records of articles exported shall, in addition, contain information as to the consignees and the destination of each shipment.

§ 201.37 *Exportation of arms to China, Honduras, and Nicaragua.* The Secretary of State will permit the exportation to China, Honduras, and Nicaragua of the arms, ammunition, and implements of war listed in the President's Proclamation 2549 of April 9, 1942, only when the Department of State has been informed by the Chinese Embassy in Washington, the Honduran Legation in Washington, or the Nicaraguan Legation in Washington, as the case may be, that it is the desire of the government of the country into which the arms, ammunition, or implements of war are to be imported, that the exportation of the shipment be authorized. (§§ 1 and 2 of the joint resolution approved Jan. 31, 1922, 42 Stat. 361; 22 U.S.C. 409, 410; and Proclamations 1621, Mar. 4, 1922, 42 Stat. 2264; 1689, Mar. 22, 1924, 43 Stat. 1942; 1783, Sept. 15, 1926, 44 Stat. 2625.)

§ 201.38 *Exportation of arms to Cuba.* Article II of the convention between the United States and Cuba to suppress smuggling, signed at Habana March 11, 1926, reads in part as follows (Treaty Series 739; 44 Stat. 2403):

> The High Contracting Parties agree that clearance of shipments of merchandise by water, air, or land, from any of the ports of either country to a port of entry of the other country, shall be denied when such shipment comprises articles the importation of which is prohibited or restricted in the country to which such shipment is destined, unless in this last case there has been a compliance with the requisites demanded by the laws of both countries.

In order to carry out the above-mentioned treaty obligations with Cuba, the Secretary of State will permit the exportation to Cuba of the arms, ammunition, and implements of war listed in the President's Proclamation 2549 of April 9, 1942, only when applications for license to export these articles and materials bear the stamp of approval of the Cuban Embassy in Washington. (§§ 1 and 2 of the joint resolution approved Jan. 31, 1922, 42 Stat. 361; 22 U.S.C. 409, 410; art. II, Convention, Mar. 11, 1926, 44 Stat. 2403; and Proclamation 2089, June 29, 1934, 49 Stat. 3399.)

§ 201.39 *Exporter to present convincing evidence of destination.* In the case of shipments of arms, ammunition, or implements of war from the United States not ostensibly destined to China, Cuba, Honduras, or Nicaragua, the Secretary of State may require exporters to present convincing evidence that they are not destined to any of those countries and may refuse to issue an export license for the same until such convincing evidence has been presented to him. (§§ 1 and 2 of the joint resolution approved Jan. 31, 1922, 42 Stat. 361; 22 U.S.C. 409, 410; and Proclamations 1621, Mar. 4, 1922, 42 Stat. 2264; 1689, Mar. 22, 1924, 43 Stat. 1942; 1783, Sept. 15, 1926, 44 Stat. 2625.)

§ 201.40 *Responsibility for notification.* The bringing about of notification to the Department of State through the appropriate embassy or legation, when required under any regulation in this part, that the government of an importing state desires that the exportation of a shipment be authorized, is a matter with regard to which the initiative and responsibility lie with the importing government and the potential shipper.

NOTE: § 171.49 comprising the list of articles to be considered arms, ammunition, and implements of war as set forth in the President's Proclamation 2237 of May 1, 1937, is superseded by the following revised list as set forth in his Proclamation 2549 of April 9, 1942 (7 F.R. 2769):

Category I

(1) Rifles and carbines using ammunition in excess of caliber .22, and barrels for those weapons;

(2) Machine guns, automatic or autoloading rifles, and machine pistols using ammunition in excess of caliber .22, and barrels for those weapons; machine-gun mounts;

(3) Guns, howitzers, and mortars of all calibers, their mountings and barrels;

(4) Ammunition in excess of caliber .22 for the arms enumerated under (1), (2), and (3) above, and cartridge cases or bullets for such ammunition; shells and projectiles, filled or unfilled, for the arms enumerated under (3) above;

(5) Grenades, bombs, torpedoes, mines and depth charges, filled or unfilled, and apparatus for their use or discharge;

(6) Tanks, military armored vehicles, and armored trains; armor plate and turrets for such vehicles.

Category II

Vessels of war of all kinds, including aircraft carriers and submarines, and armor plate and turrets for such vessels.

Category III

(1) Aircraft, unassembled, assembled, or dismantled, both heavier and lighter than air, which are designated, adapted, and intended for aerial combat by the use of machine guns or of artillery or for the carrying and dropping of bombs, or which are equipped with, or which by reason of design or construction are prepared for, any of the appliances referred to in paragraph (2) below;

(2) Aerial gun mounts and frames, bomb racks, torpedo carriers, and bomb-release or torpedo-release mechanisms; armor plate and turrets for military aircraft.

Category IV

(1) Revolvers and automatic pistols using ammunition in excess of caliber .22;

(2) Ammunition in excess of caliber .22 for the arms enumerated under (1) above, and cartridge cases or bullets for such ammunition.

Category V

(1) Aircraft, unassembled, assembled or dismantled, both heavier and lighter than air, other than those included in category III;

(2) Propellers or air-screws, fuselages, hulls, wings, tail units, and under-carriage units;
(3) Aircraft engines, unassembled, assembled, or dismantled.

Category VI

(1) Livens projectors, flame throwers, and fire-barrage projectors;
(2) a. Mustard gas (dichlorethyl sulphide);
b. Lewisite (chlorvinyldichlorarsine and dichlordivinylchlorarsine);
c. Methyldichlorarsine;
d. Diphenylchlorarsine;
e. Diphenylcyanarsine;
f. Diphenylaminechlorarsine;
g. Phenyldichlorarsine;
h. Ethyldichlorarsine;
i. Phenyldibromarsine;
j. Ethyldibromarsine;
k. Phosgene;
l. Monochlormethylchlorformate;
m. Trichlormethylchlorformate (diphosgene);
n. Dichlordimethyl ether;
o. Dibromdimethyl ether;
p. Cyanogen chloride;
q. Ethylbromacetate;
r. Ethyliodoacetate;
s. Brombenzylcyanide;
t. Bromacetone;
u. Brommethylethyl ketone.

Category VII

(1) Propellent powders;
(2) High explosives as follows:
a. Nitrocellulose having a nitrogen content of more than 12%;
b. Trinitrotoluene;
c. Trinitroxylene;
d. Tetryl (trinitrophenol methyl nitramine or "tetranitro methylaniline");
e. Picric acid;
f. Ammonium picrate;
g. Trinitroanisol;
h. Trinitronaphthalene;
i. Tetranitronaphthalene;
j. Hexanitrodiphenylamine;
k. Pentaerythritetetranitrate (pentrite or pentrite);
l. Trimethylenetrinitramine (hexogen T_4);
m. Potassium nitrate powders (black saltpeter powder);
n. Sodium nitrate powders (black soda powder);
o. Amatol (mixture of ammonium nitrate and trinitrotoluene);
p. Ammonal (mixture of ammonium nitrate, trinitrotoluene, and powdered aluminum, with or without other ingredients);
q. Schneiderite (mixture of ammonium nitrate and dinitronaphthalene, with or without other ingredients).

CORDELL HULL,
Secretary of State.

JUNE 2, 1942.

[F. R. Doc. 42-5184; Filed, June 3, 1942; 10:28 a. m.]

PART 202—EXPORTATION OF HELIUM GAS

Pursuant to the authority vested in the Secretary of State by section 12 of the joint resolution approved November 4, 1939 (54 Stat. 10; 22 U.S.C. 452) and section 4 of the act of September 1, 1937 (50 Stat. 887; 50 U.S.C. 165), the regulations governing the exportation of helium gas, heretofore promulgated by him,[1] are hereby superseded by the following regulations.

Sec.
202.1 Definition of "helium".
202.2 Applications for license to export.
202.3 Exportation for medical, scientific, and commercial use.
202.4 Quantities not of military importance.
202.5 Evidence of purposes for which helium is to be used.
202.6 Evidence of safeguards against waste.
202.7 Succeeding applications for license: requirement of evidence of disposal of previous amounts exported.
202.8 Prohibition on further shipments to countries specified by proclamation.
202.9 Licenses: transfer and validity.
202.10 Licenses: alterations.
202.11 Licenses: return.
202.12 Country named must be ultimate destination.
202.13 Shipper's export declaration.
202.14 Filing of licenses and declarations with collector of customs.
202.15 Parcel-post shipment.
202.16 Helium to be used in American aircraft temporarily abroad.
202.17 Lend-lease shipments.

AUTHORITY: §§ 202.1 to 202.17, inclusive, issued under 50 Stat. 887, 54 Stat. 10; 50 U.S.C. 165, 22 U.S.C. 452.

§ 202.1 *Definition of "helium".* Wherever the word "helium" is used in this part, it shall be understood to mean "contained helium" at standard atmospheric pressure (14.7 pounds per square inch) and 70° Fahrenheit. The expression "contained helium" means the actual quantity of the element helium (i. e. 100 percent pure helium) present in a mixture of helium and other gases. Purity determinations shall be made by usually recognized methods.

§ 202.2 *Applications for license to export.* Applications for license to export helium gas shall be submitted to the Secretary of State on forms which will be furnished by him on request. Each application must be signed and sworn to (or affirmed) in the presence of a notary public before it is transmitted to the Secretary of State. All applications must be submitted in duplicate.

§ 202.3 *Exportation for medical, scientific, and commercial use.* Licenses authorizing export shipments of helium gas for medical, scientific, and commercial use will be issued by the Secretary of State for quantities not to exceed, during any one year, to the ultimate consignees or purchasers within any one country, 500,000 cubic feet.

§ 202.4 *Quantities not of military importance.* Quantities of helium gas that are not of military importance, within the meaning of the term as used in section 4 of the act of September 1, 1937, are defined to be quantities of helium gas not exceeding 500,000 cubic feet.

§ 202.5 *Evidence of purposes for which helium is to be used.* Applicants for license to export helium gas under § 202.3 may be required to submit with their applications evidence to show that the helium gas to be exported will be used for only the purposes indicated therein and that subsequent disposition of the helium gas will not in any way violate provisions of the act of September 1, 1937, or regulations promulgated thereunder. The Secretary of State may refuse to issue a license if such evidence is not deemed sufficient.

§ 202.6 *Evidence of safeguards against waste.* All applications for license to export helium gas shall be accompanied by evidence to show that reasonable safeguards have been adopted to insure that there shall be no unnecessary waste of the helium gas desired.

§ 202.7 *Succeeding applications for license: requirement of evidence of disposal of previous amounts exported.* No license will be issued under this part to authorize the exportation of helium gas to a foreign country if it appears that the issuance of such a license would permit the accumulation in that country of helium gas in quantities of military importance. The Secretary of State may, in the case of applicants who have already obtained one license, require that succeeding applications for license to export helium gas be accompanied by information indicating the manner of disposal of the helium gas exported under licenses preceding that applied for. No license will be issued under this part if the amount of helium gas authorized for export under such license, taken in conjunction with the amount of helium gas already accumulated within the country of destination and any further amount already licensed for export to such country but not actually delivered, would be in excess of 500,000 cubic feet.

§ 202.8 *Prohibition on further shipments to countries specified by proclamation.* Licenses which have been issued under this part authorizing the exportation of helium gas to a country to which the exportation of helium gas subsequently may be prohibited by a presidential proclamation shall automatically become null and void and further shipment thereunder shall be considered in violation of this part.

§ 202.9 *Licenses: transfer and validity.* Licenses authorizing the exportation of helium gas are not transferable and are subject to revocation without notice. If not revoked, such licenses are valid until the date of expiration indicated on the face thereof.

§ 202.10 *Licenses: alterations.* No alterations may be made except by the Department of State, or by collectors of customs or postmasters acting under the specific instructions of the Department of State, in licenses which have been issued under the seal of the Department of State.

§ 202.11 *Licenses: return.* Licenses which have been revoked or which have expired must be returned immediately to the Secretary of State.

§ 202.12 *Country named must be ultimate destination.* The country of destination and the consignee named in the application for license to export helium gas must, in each case, be the country of ultimate destination and the ultimate consignee, respectively.

§ 202.13 *Shipper's export declaration.* The shipper's export declaration (customs form 7525) or such other document

[1] Formerly codified under title 32, part 2.

as the Bureau of Customs may require must contain the same information in regard to the quantity and value of the helium gas as that which appears on the application for license. If the person designated on the export declaration as the actual shipper of the goods is not the person to whom the export license has been issued by the Secretary of State, the name of this shipper should appear on the export license as that of the consignor in the United States.

§ 202.14 *Filing of licenses and declarations with collector of customs.* The originals of licenses authorizing the exportation of helium gas must be presented to the collector of customs at the port through which the shipment authorized by the license is being made. Export licenses and export declarations, or other documents required by the Bureau of Customs, concerning helium gas must be filed with the appropriate collector of customs at least 24 hours before the proposed departure of the shipment from the United States, and, in the case of a shipment by a seagoing vessel, 24 hours before the lading of the vessel.

§ 202.15 *Parcel-post shipment.* Licenses authorizing the exportation of helium gas which is being shipped by parcel post must be presented to the postmaster at the post office at which the parcel is mailed.

§ 202.16 *Helium to be used in American aircraft temporarily abroad.* Helium gas leaving the United States when used for or intended for the inflation of an aircraft under American registry will not be considered as exported within the meaning of section 4 of the act of September 1, 1937 when it is the intention of the owner of the aircraft that it shall remain under American registry and shall be commanded by a duly certificated United States airman during the entire period of its sojourn abroad, and when there is no intention on the part of the owner of the aircraft to dispose of the helium gas in any foreign country.

§ 202.17 *Lend-lease shipments.* Helium gas transferred as *defense aid* under section 3 of the act of March 11, 1941 (55 Stat. 31; 22 U.S.C. Sup. 412) is exempt from the licensing requirements of section 4 of the act of September 1, 1937.

CORDELL HULL,
Secretary of State.

JUNE 2, 1942.

[F. R. Doc. 42-5186; Filed, June 3, 1942; 10:28 a. m.]

PART 203—EXPORTATION OF TIN-PLATE SCRAP

Pursuant to the authority vested in the Secretary of State by section 12 of the joint resolution approved November 4, 1939 (54 Stat. 10; 22 U.S.C. 452), section 2 of the act of February 15, 1936 (49 Stat. 1140; 50 U.S.C. 87), and Executive Order 7297 of February 16, 1936, the regulations governing the exportation of tin-plate scrap heretofore promulgated by him[1] are hereby superseded by the following regulations.

Sec.
203.1 Definition of "tin-plate scrap".
203.2 Forms of application.
203.3 Export licenses.
203.4 Shipper's export declaration.
203.5 Filing of export licenses and declarations.
203.6 Lend-lease shipments.

AUTHORITY: §§ 203.1 to 203.6, inclusive, issued under 49 Stat. 1140, 54 Stat. 10; 50 U.S.C. 87, 22 U.S.C. 452; E.O. 7297, Feb. 16, 1936.

§ 203.1 *Definition of "tin-plate scrap".* For the purpose of the regulations in this part the term "tin-plate scrap" is construed, provisionally, to mean tin-plate clippings, cuttings, stampings, trimmings, skeleton sheets, and all other miscellaneous pieces of discarded tin plate, which result from (a) the manufacture of tin plate, or (b) the manufacture of tin-bearing articles from tin plate. As thus defined, the term "tin-plate scrap" does not include tin-plate-waste waste, tin-plate circles, tin-plate strips, tin-plate cobbles, and tin-plate scroll shear butts, when packed separately and sold as such, and when not intermingled with tin-plate scrap.

§ 203.2 *Forms of application.* Blank forms of application for export licenses will be furnished by the Secretary of State on request.

§ 203.3 *Export licenses.* The Secretary of State will issue export licenses to cover proposed shipments of tinplate scrap to applicants who have duly filled out the above-mentioned form when, in the opinion of the National Munitions Control Board, the issuance of such licenses may be consistent with the purposes of the act. Copies of the statement of the procedure adopted by the Board to govern the issuance of licenses may be obtained from the Secretary of State.

§ 203.4 *Shipper's export declaration.* The shipper's export declaration (customs form 7525) must contain the same information in regard to the nature and the value of the tin-plate scrap to be exported as that which appears on the application for license.

§ 203.5 *Filing of export licenses and declarations.* Export licenses and export declarations covering tin-plate scrap must be filed with the appropriate collector of customs at least 24 hours before the proposed departure of the shipment from the United States, and, in the case of a shipment by a seagoing vessel, 24 hours before the lading of the vessel.

§ 203.6 *Lend-lease shipments.* Tin-plate scrap transferred as *defense aid* under section 3 of the act of March 11, 1941 (55 Stat. 31; 22 U. S. C. Sup. 412) is exempt from the licensing requirements of this part.

CORDELL HULL,
Secretary of State.

JUNE 2, 1942.

[F. R. Doc. 42-5187; Filed, June 3, 1942; 10:28 a. m.]

[1] Formerly codified under title 32, part 3.

PART 204—EXPORTATION OF ARTICLES INVOLVING MILITARY SECRETS

Pursuant to the authority vested in the Secretary of State by section 12 of the joint resolution approved November 4, 1939 (54 Stat. 10; 22 U.S.C. 452), and in conformity with sections 1 and 2 of title I of the Espionage Act, approved June 15, 1917 (40 Stat. 217, 218; 50 U.S.C. 31, 32), section 2 of which reads in part as follows:

> Whoever, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to, or aids or induces another to, communicate, deliver, or transmit, to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, instrument, appliance, or information relating to the national defense, shall be punished by imprisonment for not more than twenty years * * *

the regulations governing the exportation of articles involving military secrets heretofore promulgated by him[1] are hereby superseded by the following regulations.

Sec.
204.1 Prohibition on exportation of articles involving military secrets of interest to the national defense.
204.2 Articles contracted for by the War Department or the Navy Department.
204.3 Prospective exporters of arms, etc., to communicate with the Secretary of State in advance of shipment.

AUTHORITY: §§ 204.1 to 204.3, inclusive, issued under 40 Stat. 217, 218, 54 Stat. 10; 50 U.S.C. 31, 32, 22 U.S.C. 452.

§ 204.1 *Prohibition on exportation of articles involving military secrets of interest to the national defense.* A license will not be issued by the Secretary of State authorizing the exportation of any arms, ammunition, or implements of war considered by the Secretary of War or by the Secretary of the Navy as instruments or appliances included among the articles covered by those terms as used in sections 1 and 2, title I, of the Espionage Act if, in their opinion, they involve military secrets of interest to the national defense. The articles which may be so considered are articles falling within one of the following categories:

(a) Articles, the whole or any features of which have been or are being developed or manufactured by or for the War Department or the Navy Department or with the participation of either of those Departments; and

(b) Articles, the whole or any features of which have been used or are being used by the War Department or the Navy Department or which either Department has contracted to procure.

[1] Formerly codified under title 22, part 171, and title 32, part 1.

§ 204.2 *Articles contracted for by the War Department or the Navy Department.* Included among articles developed by or for the War Department or the Navy Department are articles the development of which has been contracted for by either of those Departments, or which have been developed in accordance with Army or Navy specifications and submitted to either Department for evaluation for procurement.

§ 204.3 *Prospective exporters of arms, etc., to communicate with the Secretary of State in advance of shipment.* Prospective exporters of articles falling within the categories set out in § 204.1 which may possibly involve military secrets of interest to the national defense, or persons desirous of transmitting abroad information concerning such articles, should communicate with the Secretary of State in advance of the proposed transaction in order that he may be in a position to ascertain for the interested person whether or not military secrets are, in fact, involved therein. The articles upon which a determination is requested should be designated clearly and specifically, the type and model designations being included. Where applicable, Army or Navy drawing numbers should be given, or detailed plans and specifications submitted.

CORDELL HULL,
Secretary of State.

JUNE 2, 1942.

[F. R. Doc. 42-5185; Filed, June 3, 1942; 10:29 a. m.]

Chapter III—Proclaimed List of Certain Blocked Nationals

SUPPLEMENT 2 TO REVISION II

By virtue of the authority vested in the Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Board of Economic Warfare, and the Coordinator of Inter-American Affairs, by Proclamation 2497 of the President of July 17, 1941 (6 F.R. 3555), the following Supplement 2 containing certain additions to, amendments to, and deletions from The Proclaimed List of Certain Blocked Nationals, Revision II of May 12, 1942 (7 F.R. 3587)[1], is hereby promulgated.

By direction of the President.

CORDELL HULL,
Secretary of State.
H. MORGENTHAU, Jr.
Secretary of the Treasury.
CHARLES FAHY,
Acting Attorney General.
JESSE H. JONES,
Secretary of Commerce.
MILO PERKINS,
Executive Director,
Board of Economic Warfare.
NELSON A. ROCKEFELLER,
Coordinator of Inter-American Affairs.

JUNE 2, 1942.

GENERAL NOTES: (1) The Proclaimed List is divided into two parts: Part I relates to listings in the American republics; Part II relates to listings outside the American republics.

(2) In Part I titles are listed in their letter-address form, word for word as written in that form, with the following exceptions:

If the title includes a full personal name, that is, a given name or initial and surname, the title is listed under the *surname*.

Personal-name prefixes such as *de, la, von,* etc., are considered as part of the surname and are the basis for listing.

The listing is made under the next word of the title when the initial word or phrase, or abbreviation thereof, is one of the following Spanish forms or similar equivalent forms in any other language:

Compañía; Cía.; Comp.
Compañía Anónima; C. A.; Comp. Anón.
Sociedad; Soc.
Sociedad Anónima; S. A.; Soc. Anón.

(3) The indication of an address for a name on the list is not intended to exclude other addresses of the same firm or individual. A listed name refers to all branches of the business in the country.

PART I—LISTINGS IN AMERICAN REPUBLICS

ADDITIONS

Argentina

Barletta, Amadeo.—Buenos Aires.

Cafici y Cía., R.—Reconquista 542 y Rivadavia 3440, Buenos Aires.

Carballo, Manuel.—Avenida Leandro N. Alem 1474 y 1510, Buenos Aires.

"Casa Pareja".—Chiclana 3360, Buenos Aires.

"Casa Pass".—Carlos Pellegrini 61, Buenos Aires.

Di Toma, Nicolás.—Méjico 936, Buenos Aires.

Feldrape, Ernst.—Hotel Argentino, Río Gallegos.

Gehrls y Cía., Otto.—Carlos Pellegrini 61, Buenos Aires.

Gran Cine Mitre.—Bartolome Mitre 1332.

Industrias Rurales en el Río Negro, S. A. de.—Paseo Colón 317, Buenos Aires.

Kirschen, Armand.—Diagonal Sud 570, Buenos Aires.

Markstahler, Carlos Federico.—Avenida Leandro N. Alem 1474 y 1510, Buenos Aires.

Neddermann, Rodolfo.—Ramón B. Castro 601 (Casilla 499), Buenos Aires.

Pareja, Compañía Argentina de Hierros y Aceros, Sucesión de José.—Chiclana 3360, Buenos Aires.

"Radio Corporación Italo Americana".—Méjico 936, Buenos Aires.

Reiser, Engelbert.—Avenida Alcorta 3733, Buenos Aires.

Rimpler, Félix Máximo.—Avenida Leandro N. Alem 1474 y 1510, Buenos Aires.

Rural Los Cerros de San Juan y Cochicó S. A., Cía.—Cangallo 546, Buenos Aires; and Calle No. 7, La Plata, F. C. S.

Schreiterer, Julio.—Paseo Colón 317, Buenos Aires.

Schumann, Ella Emma Kaufmann de.—Avenida Leandro N. Alem 1474 y 1510, Buenos Aires.

Schumann, Walter.—Avenida Leandro N. Alem 1474 y 1510, Buenos Aires.

Schumann y Cía. S. de R. L., W.—Avenida Leandro N. Alem 1474 y 1510, Buenos Aires.

Soteras y Cía. S. de R. L., Camilo.—Avenida Castañares 1435, Buenos Aires.

Vogel, Ernesto.—Perú 707, Buenos Aires.

Bolivia

Barron y Rauthmann.—Cochabamba.

Buck Sucrs., Joyería y Relojería F.—Mercado 126 (Casilla 397), La Paz.

Edenhofer, M.—Mercado 126 (Casilla 397), La Paz.

Edenhofer, R.—Mercado 126 (Casilla 397), La Paz.

Fábrica de Alcoholes Tunari.—Cochabamba.

Flores, Pedro M.—Avenida Montés 740, La Paz.

Joyería y Relojería F. Buck, Sucrs.—Mercado 126 (Casilla 397), La Paz.

Kusćević, Juan.—Oruro and Cochabamba.

Rossetti, Antonio.—La Paz.

Taenzer, Frank.—La Paz.

Brazil

Acidos S. A., Cia de.—Avenida Rio Branco 128, Rio de Janeiro.

Aoki & Irmãos, Sukeo.—Lins, São Paulo.

Azeredo, J. R.—Rua da Alfândega 104, Rio de Janeiro.

Bennack, Sociedade Anonyma Metalúrgica, Otto.—Rua 7 de Setembro 149, Joinville, Santa Catharina.

Branco, Alrain Vidal.—Florianópolis, Santa Catharina.

Brandt, Herbert.—Fortaleza, Ceará.

Buechler, Carlos Heinz.—Florianópolis, Santa Catharina.

Cardoso, Emilio (Jr.).—Florianópolis, Santa Catharina.

Casa dos Presentes Ltda.—Largo São Francisco 66, São Paulo.

Casa Kuniy.—Baurú, São Paulo.

Casa Vencedora.—Lins, São Paulo.

Casa Wagner.—Rua Libero Badaró 388, São Paulo.

Chaves e Cia.—Fortaleza, Ceará.

Cohen, Moyses.—Rua da Alfândega 82, Rio de Janeiro.

Comercial Industrial de Marília Ltda., Soc.—Marília, São Paulo.

Commercial de Tintas Ltda., Soc.—Rua da Candelária 83, Rio de Janeiro.

Constructora Federal S. A., Cia.—Avenida Rio Branco 108, Rio de Janeiro.

Coóperativa Agrícola Mista de Biriguí.—Biriguí, São Paulo.

Coóperativa Agrícola Mista de Mesquita.—Mesquita, São Paulo.

Coóperativa Agrícola Mista de Pompeia.—Pompeia, São Paulo.

Coóperativa Agrícola Mista de Rinópolis.—Rinópolis (Tupã), São Paulo.

Coóperativa dos Plantadores de Banana Juquiá.—Santos, São Paulo.

Couderc, Jean.—Rua Ronald de Carvalho 5, Rio de Janeiro.

Couderc Export Company.—Rua Ronald de Carvalho 5, Rio de Janeiro.

Cunha, Orlando.—Florianópolis, Santa Catharina.

Czerna e Cia., Ltda.—Rua Conselheiro Dantas 2, Bahia; and Santa Cruz Cabralia, Estado do Bahia.

de Sabais e Cia., J. Thomé.—Rua Major Facundo 126, Fortaleza, Ceará.

do Krappe, Leo G. Sezefro.—Florianópolis, Santa Catharina.

Dralle do Brasil Ltda., Perfumaria.—Rua Duque de Caxias, Joinville, Santa Catharina.

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[1] See also 7 F.R. 3867.

Ehlermann e Cia., Ltda.,—Rua Teófilo Ottoni 17, Rio de Janeiro.

Eickhoff, Wilhelm.—Rua Santa Christina 104, Rio de Janeiro.

Eléctrica Importadora Ltda.—Rua Florencio de Abreu 150, São Paulo.

Empreza de Propaganda "Productos Knoll".—Rua Alvaro Alvim 27, Rio de Janeiro.

Engel, Carlos.—Rua Vigario José Ignacio 58, Porto Alegre.

Exportadora de Madeira do Brasil Ltda., Soc.—Passo Fundo, Rio Grande do Sul.

Farmacia Central.—Araçatuba, São Paulo.

Farmacia Fructal.—Guararapes, São Paulo.

Fischer, Friedrich J.—Blumeneau, Santa Catharina.

Franck, Franklin Chaves.—Fortaleza, Ceará.

Franck, Germano Paulo.—Fortaleza, Ceará.

Frey, Frederico Paulo Adolfo.—Rua Thiers, 136, São Paulo.

Fujiwara, Hisato.—Cafelandia, Sáo Paulo.

Fujiwara & Takeuchi.—Cafelandia, São Paulo.

Galeria Paulista de Modas.—Rua Direita 176, São Paulo.

Gins, Adolpho.—Avenida Alberto Bins 357, Porto Alegre, Rio Grande do Sul.

Herrmann e Cia.—Rua dos Andradas, Porto Alegre, Rio Grande do Sul.

Importadora Brasil, Ltda.—Rua Cristovão Colombo 3, São Paulo.

Industria Agrícola Campineira Ltda.—São Paulo.

Instaladora Geral.—Rua Rangel 162, Recife.

Itinoze, R.—Araçatuba, São Paulo.

Jacobi e Cia.—Porto Alegre, Rio Grande do Sul.

Kanegae, Waziro.—Biriguí, São Paulo.

Kehl, Albert.—Rua Barros 221, Niterói, Estado do Rio de Janeiro.

Keppler, Alfredo.—Caixa Postal 186, São Paulo.

Kiener & Kay.—Rua Senador Queiroz 185, São Paulo.

Kiokawa, João.—Guararapes, São Paulo.

Krizai, Estefano A. A.—Rua José Bonifacio 278, São Paulo.

Kuny, G.—São Paulo.

Laboratórios Novotherapica Ltda.—São Paulo.

Landgraf, Ricardo.—Rua 7 de Setembro 816, Porto Alegre.

Lins e Cia., Almeida.—Rua Nova 260, Recife.

Litografica Blumenau, Cia.—Blumenau, Santa Catharina.

Livraria Herrmann.—Rua dos Andradas, Porto Alegre, Rio Grande do Sul.

Livrariá Paraná.—Rua Barão do Rio Branco 23, Curityba, Paraná.

Lobo e Cia., Manoel.—Três Casas, Rio Madeira, Amazonas.

Machinas Excelsior.—Rua Capitão Salomão 87, São Paulo.

Machinas Ferri Ltda.—Rua dos Alpes 101-109 São Paulo.

Machinas & Ferrovias Ltda.—Avenida Rio Branco 52, Rio de Janeiro.

Machinas Ypiranga.—Rua Cavour 38, Villa Prudente, São Paulo.

Madeiras Compensadas Ltda.—Rua 24 de Maio 594, Curityba, Paraná.

Maecklenburg, Kurt.—Rua Barão do Rio Branco 23, Curityba, Paraná.

Masaki, Iyda Ltda.—Promissão, São Paulo.

Matsushita, Aikiti.—Vera Cruz, São Paulo.

Merten, Wilhelm Holland.—Avenida Graça Aranha 43, Rio de Janeiro.

Meyer, João.—Rua Teófilo Ottoni 104, Rio de Janeiro.

Meyer e Cia., Oswald.—Rua Coronel Vicente 384, Porto Alegre, Rio Grande do Sul.

Miyasaki e Cia., Ltda.—Pompeia, São Paulo.

Moeller, Henrique.—Rua da Conceição 134, São Paulo.

Molinari e Cia., Hans.—Rua Luiz de Camões 75 A, Rio de Janeiro.

Molize, Anse.—Araçatuba, São Paulo, and all branches in Brazil.

Mueller, Guilherme.—Rio de Janeiro.

Nakamura, Joaquim.—Guararapes, São Paulo.

Navarini, Alexandre Aguillar.—Avenida Delphim Moreira 1120, Rio de Janeiro.

Neme, Tuffic.—Avenida Beira Mar 220, Rio de Janeiro.

Nieckele, Palmeira e Cia.—Rua Marechal Floriano 14-16, Pelotas, Rio Grande do Sul.

Niemer e Cia.—Rua Julio Adolpho 10, Bahia.

Okomoto, Haruishi.—Marília, São Paulo.

Okomoto, Sentaro.—Marília, São Paulo.

Outta & Kawano.—São Paulo.

Pallavicini, Helmuth Csaky.—Rua da Alfândega 104, Rio de Janeiro.

Palmeira e Cia., Nieckele.—Rua Marechal Floriano 14-16, Pelotas, Rio Grande do Sul.

Perfumaria Dralle do Brasil Ltda.—Rua Duque de Caxias, Joinville, Santa Catharina.

Photo Halifax.—Rua Buenos Aires 120, Rio de Janeiro.

Productos Bisleri Ltda.—Rua da Alfândega 201 e Rua Dias da Costa 12, Rio de Janeiro.

Productos Chimicos Elekeiroz S. A.—São Paulo.

"Productos Knoll".—Rua Alvaro Alvim 27, Rio de Janeiro.

Reprex Ltda.—Blumenau, Santa Catharina.

Robertson, Herbert.—Rua Ministro Ferreira Alves 593, São Paulo.

Romano, Adolpho.—Praça Coronel Eneas 38, Curityba.

Rubino, Onorato.—Rua Evaristo da Veiga 67, Rio de Janeiro.

Russo, Francisco Giunta.—Rua Libero Badaró 388, São Paulo.

Sabbá e Cia., Perez.—Manáos.

Sarnelli, Alberto.—Praça Visconde Cayrú 19, Bahia.

Schendel, W.—Rua 7 de Setembro 790 (Caixa Postal 424), Porto Alegere, Rio Grande do Sul.

Scheurer, Hans Peter (Dr.).—Rua Teófilo Ottoni 17, Rio de Janeiro.

Schmidt S.A. Comercio e Industria, Walter.—Rua 15 de Novembro 1495, Blumenau, Santa Catharina.

Schnitzer, Franz.—Rua Alvaro Alvim 27, Rio de Janeiro.

Schwab, Filho e Cia., Adolpho.—Rua Dr. José Montauri 72, Porto Alegre.

Schwerdtner, Friedrich.—Rua Professor Saldanha 125, Rio de Janeiro.

Segui, Tetsueiri.—Marília, São Paulo.

Selinke, Otto Max.—Florianópolis, Santa Catharina.

Siqueira, Fortunato.—Manáos, Amazonas.

Siqueira, J. R.—Manáos, Amazonas.

Siqueira e Cia., J. R.—Manáos, Amazonas.

Soejima, Arthur.—Guarantan (Pirajú), São Paulo.

Sswao, Isositi.—Baurú, São Paulo.

Stummel, Joseph.—Rua São Pedro 89, Rio de Janeiro.

Suematsu, Midori.—Marília, São Paulo.

Sugayama, Terukiti.—Lins, São Paulo.

Takeda Irmão e Cia.—Baurú, São Paulo.

Tarrago & Lang.—Uruguayana, Rio Grande do Sul.

Ttuzu, Rikiti.—Araçatuba, São Paulo.

Usina Eléctrica de Bastos.—Bastos, São Paulo.

Usina Porongaba.—Fortaleza, Ceará.

Von Dellingshausen, Nicolaus Eduard.—Rua Teófilo Ottoni 96, Rio de Janeiro.

Westphal, João.—Avenida São João 578, São Paulo.

Willner e Cia., E.—Rua da Quitanda 60, Rio de Janeiro.

Wolff, Harald H.—Rua dos Benedictinos 21-22A, Rio de Janeiro.

Chile

Buchholz, Otto.—Cochrane 552 (Casilla 1407), Valparaiso.

Canales B., Mathilde.—Catedral 1361, Santiago.

Cornelius, Jan.—Picarte 1223, Valdivia.

Flugel Deming, Guillermo.—Bandera 620, piso 3 (Casilla 1120), Santiago.

Framm, Eduardo.—Roberto del Río 1644, Santiago.

Framm y Cía., Eduardo.—Agustinas 1111, oficina 715, Santiago.

Gnadt, Walter.—Avenida Portugal 8, Santiago.

Goehring Schunider, Helmuth.—Valdivia.

Karcher Richter, Erich.—Valdivia.

Lingua Buzzetti, Theo.—Chacabuco 481 (Casilla 135), Copiapó.

Purcell Hnos., Ltda.—Blanco 1131 (Casilla 2087), Valparaiso.

Química Industrial, Ltda., Cía.—Santa Rosa 3440, Santiago.

Tapia, Manuel Anibal.—Bandera 75, Santiago.

Thomas, Eugenio.—Avenida C. Colón (Casilla 2961), Santiago.

Werner Held, Alfredo.—Estación Llanquihua.

Werner Kretschmar, Jorge.—Estación Llanquihua.

Werner Raddatz, Erardo.—Estación Llanquihua.

Werner y Cía., A.—Estación Llanquihua.

Colombia

Braun, Heriberto.—c/o Almacenes Helda, Cali.

Fábrica de Jabones Téxtiles.—Apartado 286, Medellín.

Feinauer, Heinrich.—Edificio Medina, oficina 36, Bogotá.
Gaviria, Octavio.—Apartado 286, Medellín.
Hautmann, Max W.—Apartado 324, Barranquilla.
Importadora Santander, Ltda.—Cúcuta.
Kniess, Erwin.—Edificio Medina, oficina 36, Bogotá.
Kniess y Cía., Ltda., Erwin.—Edificio Medina, oficina 36, Bogotá.
Larsen, Fritz.—Carrera 5 No. 89, Cúcuta.
Ritter, Adelbert.—Apartado 286, Medellín.
Samek, Amelia de la Espriella de.—San Blas, Progreso, Edificio Napolitana, Barranquilla.
Samek, Erwin Anton.—San Blas, Progreso, Edificio Napolitana, Barranquilla.
Samek y Cía., E.—San Blas, Progreso, Edificio Napolitana, Barranquilla.
Schomacker, Karl.—Cúcuta.
Stiefken, Paul.—Bogotá.

Costa Rica

Almacén Romolus.—San José.
Castillo, R.—San José.
Coto, Manuel Alberto.—Apartado 1883, San José.
do Prado, Edgar.—Apartado 1830, San José.
Iezzi, Guerino.—San José.

Guatemala

Brackmann Hijos y Cía., Sucrs., Juan.—6a Avenida Sur 12-E, Guatemala, Guatemala.
Finca "Asunción".—Colomba, Quezaltenango.
Hermann, Rudolph.—Colomba, Quezaltenango.

Mexico

Gutiérrez O., M.—Revillagigedo 83 (Apartado 459), México, D. F.

Uruguay

Albers, Dirk.—Avenida Brasil 3105, piso 7, Apt. 31, Montevideo.
Carrocería Feuerstein.—Cerro Largo 791, Montevideo.
Finsterwald & Schaich.—25 de Mayo 635-639, Montevideo.
Sagara, Shukichi.—Simón Bolívar 1436, Montevideo.
Tidemann, Hugo.—Estancia "Tidemann", Trinidad, Depto. de Flores.

Venezuela

Bloemer, Hugo.—Apartado 552, Caracas.
Dürr, Fritz.—Caracas.
Gudel, Gregorio.—Maracaibo and Caracas.
Herbertz, Reinhard.—Conde a Piñango 7, Caracas.
Zimlich, Ricardo.—Apartado 552, Caracas.

AMENDMENTS

Bolivia

For Ashton & Schulz.—Calles Mercado y Colón, La Paz, substitute Ashton & Schulz "El Condor".—Calles Mercado y Colón, La Paz.
For Díaz, A.—La Paz, substitute Díaz, Adalid.—La Paz.
For Loaiza, Carlos.—La Paz, substitute de Loaiza, Carlos.—La Paz.

Mexico

For Boesch y Cía., G.—Orizaba, substitute Boesch Sucs. S. en C., Guillermo.[1]—Orizaba.

Uruguay

For Skoda, S. A.—25 de Mayo 477, Montevideo, substitute Skoda, S. A., Establecimientos.—25 de Mayo 477, Montevideo.

DELETIONS

Argentina

C. A. R. P. E., Compañía Argentina Representaciones Productos Extranjeros, S. de R. L.—25 de Mayo 252, Buenos Aires.

[1] Formerly known as G. Boesch y Cía.

Argentina Representaciones Productos Extranjeros, S. de R. L., Cía.—25 de Mayo 252, Buenos Aires.
Teatro General Mitre. — Corrientes 5424, Buenos Aires.

Brazil

Arruda, Vicente Humberto. — Rua Candelária 86, Rio de Janeiro.
Arruda Irmão e Cia.—Edificio Associação Commercial, sala 205, Rio de Janeiro.
Brasileira de Carbureto de Cálcio, Cia.—Rua 1° de Março 31, Rio de Janeiro.
Cinema Apollo.—Santa Cruz.
Cinema Gymnastico.—Santa Cruz.
Da Fonseca, João Altino.—Rua da Italia 12, Bahia.
Farmoquimica, Ltda.—Rua Voluntários da Pátria 132, Rio de Janeiro.
Kores, Ltda.—Al. Santos 1362, São Paulo.
Laboratório Vitex, Ltda.—Rio de Janeiro, and all branches in Brazil.
Pareto e Cia., Carlo.—Rua 1° de Março 31, Rio de Janeiro.
Pettinati e Cia. Ltda., Francisco.—Rua Conselheiro Crispiniano 29, São Paulo.
Pires, Manoel.—Rua 15 de Novembro 204, Santos.
Sá, Elysio.—Rua Visconde Cabo Frio 44 e Rua Valparaiso 64, Rio de Janeiro.

Chile

Galemiri, Abraham. — Bandera 575 (Casilla 1303), Santiago.
Walter, Konrad Kadelbach.[1]—Nueva York 52, Santiago; and Coquimbo.

Costa Rica

Farmacéutica Oreamuno Flores S. A., Cía.—Cartago.

[F. R. Doc. 42-5161; Filed, June 2, 1942; 3:49 p. m.]

[1] This deletion does not affect the listing of Conrado Kadelbach, Padre Mariano 267, Santiago; and Coquimbo.

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket Nos. A–20, A–27, A–29, A–30, A–42, A–49, A–50, A–51, A–72, A–98, A–125, A–126, A–127]

PARTS 330 AND 331—MINIMUM PRICE SCHEDULES, DISTRICTS NOS. 10 AND 11

ST. LOUIS AND O'FALLON COAL CO., ET AL., RELIEF GRANTED

Order overruling exceptions in part, approving and adopting with modifications, the examiner's report, and granting final relief in the matter of the petitions of the St. Louis and O'Fallon Coal Company, District Board No. 11, Midland Electric Coal Corporation, District Board No. 10, Consolidated Coal Company, Sahara Coal Company, and United Electric Coal Companies, concerning absorptions on shipments of off-line railroad locomotive fuel to the several carriers named in the respective petitions filed.

These proceedings having been instituted upon original petitions and various amendments thereto, filed with the Bituminous Coal Division pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Boards 10 and 11, and by certain code member producers in Districts 10 and 11, seeking permission to absorb certain freight rate divisions, car switching charges and trackage charges involved in the sale of off-line railroad locomotive fuel to the several carriers named in the respective petitions and hereinafter specified;

District Boards 6, 9, 10 and 11 and numerous producers in District 10 having intervened in the various dockets, Consumers' Counsel Division[1] having appeared, and temporary relief having been granted in many instances, all as more fully set forth in the Memorandum Opinion by the undersigned of even date, filed herewith;

Pursuant to orders, these various proceedings having been consolidated and hearings having been held before W. A. Cuff, a duly designated Examiner of the Division, in a hearing room of the Division, Washington, D. C., on November 12, 1940, and the hearing in Docket Nos. A–29, A–49, A–98 and A–125 having been reopened by order of the Director and convened on March 5, 1941, in Washington, D. C., before Thurlow G. Lewis, a duly designated Examiner of the Division, but no further testimony offered;

All interested persons having been afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

Examiner W. A. Cuff, by order of June 20, 1941, having been designated to prepare the report of Examiner Thurlow G. Lewis, and having submitted his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations under date of November 7, 1941;

The Bituminous Coal Consumers' Counsel, District Board 9 and Sahara Coal Company having filed exceptions and briefs in support thereof, and District Board 9 having requested oral argument before the undersigned; and

The undersigned having considered the Report and the record, and upon the basis thereof having filed his "Findings of Fact and Memorandum Opinion Regarding Exceptions to the Examiner's Report," in which the proposed findings of the Examiner are modified in part, and adopted as modified;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner, modified and amended by the "Findings of Fact and Memorandum Opinion Regarding Exceptions to the Examiner's Report" filed herein, are approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned and the exceptions thereto, except in so far as satisfied by such amendment, are hereby severally overruled;

It is further ordered, That, in accordance with the motion of St. Louis and O'Fallon Coal Company, original petitioner in Docket No. A–72, its prayer for relief for shipments to The Baltimore and Ohio Railroad Company is withdrawn without prejudice;

It is further ordered, That, effective fifteen (15) days from the date hereof, § 330.10 (*Special prices*—(a) *Railroad locomotive fuel prices*—(3) *Exceptions*) in the Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck, be and the same hereby is amended in the following respects:

(a) By modifying, pursuant to the petition filed in Docket No. A–72, Railroad Locomotive Fuel Exception No. 36 to read as follows:

	On railroad locomotive coal delivered price for—			F. o. b. mine price to be obtained by deducting from the delivered price the actual divisions of the rate, plus actual cost of intermediate switching not to exceed $5.45 per car, subject to the following maximum absorption
	M/R	Mod. M/R	Segs.	
Alton RR	195	200	140	45.3 cents per ton.
CB&Q RR	195	200	140	44.5 cents per ton plus $5.45 per car switching charge.
C&EI Ry	195	200	140	43.1 cents per ton plus $5.45 per car switching charge.
IC RR	195	200	140	42.4 cents per ton plus $5.45 per car switching charge.
Mo-Pac RR	180	[1]185	140	51 cents per ton plus $5.45 per car switching charge.
NYC System	185	185	140	40 cents per ton plus $5.45 per car switching charge.
PRR	180	[1]185	140	68 cents per ton.
Wabash Ry	195	200	140	41.6 cents per ton plus $5.45 per car switching charge.

[1] 6" x 1¼" egg.

(b) By adding thereto, pursuant to the petition filed in Docket No. A–126, the following Railroad Locomotive Fuel Price Exception, which shall be applicable only to the Grape Creek Mine (Mine Index No. 193) of the Grape Creek Mining Company:

The producer may absorb the actual switching charge but not to exceed $6.93 per car on railroad locomotive fuel for the Wabash Railway Company.

(c) By adding thereto, pursuant to the petition filed in Docket No. A–127, the following Railroad Locomotive Fuel Price Exception, which shall be applicable only to the Old Vermillion Mine (Mine Index No. 123) of Ray Morgan (F. C. Morgan Coal Co.):

The producer may absorb the actual division of the freight rate but not to exceed 30 cents per ton on railroad locomotive fuel for the Wabash Railway Company.

(d) By adding thereto, pursuant to the petition filed in Docket No. A–50, the following Railroad Locomotive Fuel Price Exceptions:

(1) With respect to the Consolidated No. 7 and No. 15 Mines of the Consolidated Coal Co., Mine Index Nos. 32 and 33, respectively:

The producer may absorb the actual division of the freight rate, but not to exceed 38 cents per ton on railroad locomotive fuel for the Illinois Central Railroad Company.

(2) With respect to the Consolidated No. 7 Mine of the Consolidated Coal Co. Mine Index No. 32:

The producer may absorb the actual switching charge, but not to exceed 14 cents per ton on railroad locomotive fuel for the Illinois Terminal Railroad Company.

(e) By adding thereto, pursuant to the petition filed in Docket No. A–51, the following Railroad Locomotive Fuel Price Exception, which shall be applicable only to Mt. Olive & Staunton #2 Mine (Mine Index No. 101) of the Mt. Olive & Staunton Coal Co.:

The producer may absorb the actual division of the freight rate but not to exceed 25 cents per ton on railroad locomotive fuel for The New York Central Railroad Company.

(f) By modifying, pursuant to the petition filed in Dockets Nos. A–20 and A–42 (subparagraph I), Railroad Locomotive Fuel Price Exceptions Nos. 1–B and 1–C in Exception No. 1 in said Schedule to read as follows:

No. 1–B. All mines in price groups 12, 13 and 23, except Mines Nos. 32 and 33 for shipments to IHB when routed via the C. & NW.

No. 1–C. Mines Nos. 32 and 33 in price group 12 on shipments to the IHB when routed via the C & NW.

[1] Now Office of the Bituminous Coal Consumers' Counsel.

(g) By adding thereto, pursuant to the petition filed in Dockets Nos. A–27 and A–42 (subparagraph II), the following Railroad Locomotive Fuel Price Exception, which shall be applicable only to the Jefferson County Mine #20 (Mine Index No. 75) of The Consolidated Coal Co.

The producer may absorb the actual division of the freight rate but not to exceed 40 cents per ton on railroad locotive fuel for the Illinois Central Railroad Company.

(h) By adding thereto, pursuant to the petition filed in Dockets Nos. A–30 and A–42 (subparagraph VI), the following Railroad Locomotive Fuel Price Exception, which shall be applicable only to the Middle Grove Mine (Mine Index No. 95) of the Midland Electric Coal Corporation:

The producer may absorb the actual trackage charge but not to exceed 10 cents per ton on railroad locomotive fuel for the C & NW.

(i) By adding thereto, pursuant to the petition filed in Docket No. A–42 (subparagraph III), the following Railroad Locomotive Fuel Price Exception, which shall be applicable only to the Centralia No. 5 Mine (Mine Index No. 29) of the Centralia Coal Company:

The producer may absorb the actual division of the freight rate but not to exceed 45 cents per ton on railroad locomotive fuel for The Alton Railroad Company when routed via the CB&Q.

(j) By modifying, pursuant to the petition filed in Docket No. A–42 (subparagraph IV), Railroad Locomotive Fuel Price Exception No. 13 to read as follows:

The producer may absorb the actual switching or trackage charge but not to exceed $6.20 per car on railroad locomotive fuel for the CB&Q and Missouri Pacific Railroad Company.

(k) By modifying, pursuant to the petition filed in Docket No. A–42 (subparagraph V), Railroad Locomotive Fuel Price Exception No. 47 to read as follows:

The producer may absorb the actual division of the freight rate but not to exceed 50 cents per ton on railroad locomotive fuel for the CRI&P Railway when billed to Silvis, Illinois, and 58.6 cents per ton on railroad locomotive fuel when billed to Bureau, Illinois.

The producer may absorb the actual division of the rate but not to exceed 37.5 cents per ton on trainload lots with a minimum of 3,900 tons; and the actual division of the rate but not to exceed 47.5 cents per ton on trainload lots with a minimum of 2,750 tons and not exceeding 3,899 tons on railroad locomotive fuel when billed to Sankoty, Illinois, for the CRI&P.

(l) By adding thereto, pursuant to that portion of the petition filed in Docket No. A–98 which requests relief on shipments to Chicago Great Western Railroad Company, the following bracket to Railroad Locomotive Fuel Price Exception No. 2:

No. 2–H. All mines in Price Groups 1, 2, 3, 4, 5, 6, 7, 8, 9, and 11; MR., 175; scgs., 170.

(m) By adding thereto, pursuant to the petition filed in Docket No. A–49, to that portion of Docket No. A–98 which requests relief on shipments to Grand Trunk Western Railroad Company and Docket No. A–125, the following Railroad Locomotive Fuel Price Exceptions:

Prices for railroad locomotive fuel shipped to the Grand Trunk Western Railroad Company or Canadian National Railways shall be as follows:

Mines included in Price Groups 1, 2, 3, 4, 5, 6 and 7 on all sizes shall be $1.65 per ton f. o. b. mines when shipped via The New York Central Railroad (CCC & St L), and $1.60 per ton f. o. b. mines when shipped via any other railroad: *Provided, however,* That for mines having both prices, the higher price shall be used for all shipments.

Mines included in Price Groups 8, 9 and 11 on all sizes shall be $1.71 per ton f. o. b. mines.

Mines included in Price Groups 10, 16, 17, 18, 19, 20, 21 and 22 on all sizes shall be $1.46 per ton f. o. b. mines.

It is further ordered, That, effective fifteen (15) days from the date hereof, § 331.10 (*Special prices: Railroad locomotive fuel*) is amended by adding thereto, pursuant to the petition filed in Docket No. A–29. Supplement R, which supplement is hereinafter set forth and hereby made a part hereof;

It is further ordered, That effective fifteen (15) days from the date hereof, all temporary relief heretofore granted in these consolidated dockets is terminated;

It is further ordered, That the prayers for relief contained in the original, amendatory and intervening petitions filed and consolidated for hearing herein, are granted to the extent set forth above, and in all other respects denied.

Dated: May 8, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

The following permanent addition shall be made, effective fifteen days from date, to minimum price schedule or supplements thereto for District No. 11 for all shipments except truck.

NOTE: The material contained in this permanent supplement is to be read in the light of the classification, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

§ 331.10 *Special prices: Railroad locomotive fuel*—Supplement R

[Prices in cents per net ton f. o. b. mines for shipments to Grand Trunk Western Railroad for locomotive fuel only]

Division	Mine index numbers	Size dimensions	Junction point	Price f. o. b. mine
1	59, 75, 94, 118, 124, 827	Lump, double screened coal, mine run.[1]	Thornton Junction, Ill.	174
91	6, 11, 22, 28, 54, 86, 90, 99	Lump, double screened coal, mine run.[1]	Blue Island, Ill.	174
100	1, 2, 3, 23, 30, 56, 68, 70, 110, 111, 120, 263, 439.	Lump, double screened coal, mine run.[1]	Haskell's, Ind.	165
100	32, 50, 100, 107, 119, 895	Lump, double screened coal, mine run.[1]	Harvey, Ill.	165
101.8	10, 19, 20, 21, 33, 38, 40, 46, 51, 52, 53, 60, 63, 65, 71, 72, 73, 78, 85, 91, 101, 102, 108, 112, 137, 138, 205, 238, 267, 360, 378, 383, 720, 1294.	Lump, double screened coal, mine run	Blue Island, Ill.	163.2
108.5	7, 8, 16, 42, 55, 74, 82, 83, 84, 89, 98, 121, 140, 743.	Lump, double screened coal, mine run.	Maynard, Ind.	156.5
109.2	39	Lump, double screened coal, mine run.	Thornton Junction, Ill.	155.8
117.1	47	Lump, double screened coal, mine run.[1]	Haskell's, Ind.	147.9
117.3	13, 14, 24, 103	Lump, double screened coal, mine run.	Hays, Ind.	147.7
120.2	48, 49, 69, 392, 394, 401	Lump, double screened coal, mine run.[1]	Maynard, Ind.	144.8
131.7	26, 67	Lump, double screened coal, mine run.[1]	Hays, Ind.	133.3
132.5	5, 581, 888	Lump, double screened coal, mine run.[1]	Haskell's, Ind.	132.5
134.5	57, 58, 80, 81, 87, 88, 113, 773, 926	Lump, double screened coal, mine run.[1]	Haskell's, Ind.	130.5
138.8	9, 31, 35, 96, 105, 114, 115, 127, 309	Lump, double screened coal, mine run.[1]	Hays, Ind.	126.2
142.1	79, 117	Lump, double screened coal, mine run.[1]	Haskell's, Ind.	122.9
144.6	36, 41, 92, 97, 1293	Lump, double screened coal, mine run.[1]	Hays, Ind.	120.4

[1] Sizes in size groups 1 to 8, inclusive, may be applied, at the option of the code member, on orders for railroad locomotive fuel specifying nut (3 x 5/16), modified mine run, mine run, or resultant mine run (6" x 0).

[F. R. Doc. 42–5135; Filed, June 2, 1942; 10:58 a. m.]

[Docket No. A-1143]

PART 339—MINIMUM PRICE SCHEDULE, DISTRICT NO. 19

P. H. BURNELL, RELIEF GRANTED

Memorandum opinion and order approving and adopting proposed findings of fact, proposed conclusions of law and recommendations of the Examiner, and granting permanent relief in the matter of the petition of P. H. Burnell, a code member of District 19, requesting that minimum prices be established for Size Groups 10, 11 and 17 for shipments into all market areas.

This proceeding was instituted upon a petition filed with the Bituminous Coal Division (the "Division"), by P. H. Burnell, a Code Member in District 19, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 (the "Act"), requesting the establishment of price classifications and corresponding minimum prices for coals in Size Groups 10, 11 and 17 produced at Petitioner's Gebo #2, Gebo #3, Gebo #4 and Gebo #5 Mines, Mine Index Nos. 114, 225, 192, and 226, respectively, in District 19, and which price classifications and corresponding minimum prices have not heretofore been proposed and established, for shipment to all market areas;

A hearing in this matter was duly held on January 29, 1942, before D. C. McCurtain, a duly designated Examiner of the Division at a hearing room thereof in Cheyenne, Wyoming.

The Examiner made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations in this matter, dated March 31, 1942, finding that the relief prayed for by the Petitioner should be granted and recommending that an order be entered establishing price classifications and corresponding minimum prices for coals in Size Groups 10, 11 and 17 produced at the Petitioner's mines.

An opportunity was afforded to all parties to file exceptions thereto and supporting briefs; Sheridan-Wyoming Coal Company, Inc. ("Sheridan-Wyoming"), styling itself as "interested party" filed exceptions thereto and a supporting brief.

Preliminary to a consideration of the Exceptions, the Record discloses that Sheridan-Wyoming was not an intervener and filed no statement of its position or its contentions. At the hearing Sheridan-Wyoming appeared and, no objection being made by the Petitioner, was permitted by the Examiner actively to participate in the proceeding as an "interested party." After the Petitioner had introduced his evidence Sheridan-Wyoming was permitted to cross-examine the witness for the Petitioner at great length and was permitted to state its position and introduce evidence through its witness, J. T. Hill.

It is at all times highly important that orderly procedure be adhered to in the conduct of hearings in 4 II (d) matters. The Rules and Regulations governing such procedure prescribe the manner in which an interested person may become a party. Sheridan-Wyoming made no attempt to become a party to the proceeding. Notwithstanding such failure, I will entertain Sheridan-Wyoming's objections to the Examiner's report.

The Examiner found that prices had theretofore been established for coals in Size Groups 10, 11 and 17 produced at certain mines in Subdistricts 1 and 2 in District 19 and that the establishment of price classifications and corresponding minimum prices for the coals in these size groups produced at the Petitioner's mines was necessary in order to permit the movement of such coals from the latter's mines.

The Examiner found that there was no opposition whatever to the establishment of the classifications requested, however, prices having theretofore been established for Petitioner's coals in Size Group 9, Sheridan-Wyoming objected to the price differentials which would exist between Petitioner's coals in Size Groups 9, 10 and 11, if the relief prayed for is granted.

Sheridan-Wyoming excepted to the finding. At the hearing witness Hill testified (R-91) as follows:

> We are not opposing the price as proposed on Size Group 17. We are definitely taking the position that we don't object to the price being established on Sizes 10 and 11 but we desire the price that is now applicable to Size Group 9 be made applicable for Size Groups 10 and 11; in other words, no differential between the Size Groups 10 and 9 and Size Groups 11 and 9.

According to this evidence the Examiner's finding in this respect is clear. The exception is, therefore, not well taken and should be denied. The Examiner found that the reason given by Sheridan-Wyoming as the basis of its exception to the relief requested was that the granting of the relief would have the effect of reducing realization for the coals produced in Subdistrict 5 in which the Petitioner's mines are located. Sheridan-Wyoming excepted to this finding.

Sheridan-Wyoming has mines located in Subdistricts 5 and 7 of District 19, producing coals in Size Groups 9, 10 and 11, which are the pea sizes. For some reason not disclosed in the Record, Sheridan-Wyoming does not desire any price reduction for its coals produced in Size Groups 10 and 11 but desires that the prices applicable for the coals in Size Group 9 apply to Size Groups 10 and 11 under the price instruction which directs that unpriced coals fall in the next higher size group. Sheridan-Wyoming was opposed to the Petitioner receiving a lower price for Size Groups 10 and 11 than for Size Group 9. The only reason advanced by Sheridan-Wyoming other than its wish or desire was that the granting of the relief requested might affect realization. The evidence fully sustains the findings and conclusions of the Examiner in this respect and the exception should be overruled.

The undersigned having considered the exceptions has determined that they are not well taken and should be denied;

The undersigned having considered this matter and having determined that the proposed findings of fact and proposed conclusions of law should be approved and adopted as the findings of fact and conclusions of law of the undersigned.

Now, therefore, it is ordered, That the exceptions of Sheridan-Wyoming Coal Company, Inc., to the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner be, and the same hereby are, denied.

It is further ordered, That the proposed findings of fact and proposed conclusions of law of the Examiner be, and they hereby are, adopted as the findings of fact and conclusions of law of the undersigned.

It is further ordered, That § 339.4 (*Code member price index*) is amended by adding thereto Supplement R-I, and § 339.5 (*General prices; minimum prices for shipment via rail transportation*) is amended by adding thereto Supplement R-II, which supplements are hereinafter set forth and hereby made a part hereof.

Dated: May 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 339, Minimum Price Schedule for District No. 19, and supplements thereto.

The following price classification and minimum prices shall be inserted in Part 339, Minimum Price Schedule for District No. 19:

§ 339.4 *Code member price index*—Supplement R-I. Insert the following listings in proper alphabetical order:

Producer	Mine	Mine index No.	County	Shipping point	Subdistrict price group	Railroad	F. O. B. No.
Burnell, Pat (Burnell Coal)	Gebo #2	114	Hot Springs	Gebo	5	CB&Q	100
	Gebo #3	225	Hot Springs	Gebo	5	CB&Q	100
	Gebo #4	192	Hot Springs	Gebo	5	CB&Q	100
	Gebo #5	226	Hot Springs	Gebo	5	CB&Q	100

§ 339.5 *General prices; minimum prices for shipment via rail transportation*—Supplement R–II

[Minimum f. o. b. mine prices in cents per net ton for shipments via rail transportation into market areas shown]

SUBDISTRICT NO. 5—Gebo Kirby—Burnell, Pat (Burnell Coal): Gebo #2, #3, #4 and #5 Mines

Market areas	Size group		
	10	11	17
45–50, 52–54, 56–59, 63–70, and 75–78	200	190	90
200	200	185	90
201	200	185	90
202 and 203	200	185	90
204 and 207	225	210	90
205, 206, 208, and 210	225	210	90
209 and 211	225	210	90
213 and 214	225	210	145
234 and 241	250	240	150
237–240 and 247–254	225	235	150
All other market areas	225	210	90

[F. R. Doc. 42–5136; Filed, June 2, 1942; 10:58 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Division of Industry Operations

PART 1029—FARM MACHINERY AND EQUIPMENT AND ATTACHMENTS AND REPAIR PARTS THEREFOR

[Supplementary Limitation Order L–26–c]

In accordance with the provisions of paragraph (c) (2) of § 1029.1, *Limitation Order L–26*, issued December 31, 1941,[1] as amended, which the following order supplements:

It is hereby ordered, That:

§ 1029.4 *Supplementary Limitation Order L–26–c*—(a) *Additional definitions.* For the purpose of this order:

(1) "Copper" means unalloyed copper metal, including unalloyed copper metal produced from scrap.

(2) "Copper base alloy" means any alloy metal in the composition of which the percentage of copper metal by weight equals or exceeds forty percent (40%) of the total weight of the alloy. It shall include alloy metal produced from scrap.

(3) "Copper products" means products made of copper, fabricated to the extent that they are sheet, rod, tubing, extrusions, castings, ingots, forgings, wire, powder or anodes, or fabricated to any greater extent.

(4) "Copper base alloy products" means products made of copper base alloy, fabricated to the extent that they are sheet, rod, tubing, extrusions, castings, ingots, forgings, wire, powder or anodes, or fabricated to any greater extent.

(5) "Farm tractor" means all wheel type tractors and garden tractors for use on a farm.

(6) "Engine power units" means any such units used in farm machinery and equipment.

[1] 7 F.R. 34, 2504, 2787, 3713.

(b) *General restrictions.* (1) On and after June 15, 1942, no producer (except as otherwise specifically authorized by the Director of Industry Operations pursuant to an appeal under paragraph (h) of Limitation Order L–26, as amended) shall manufacture for sale or receive from his supplier for re-sale, any copper products or copper base alloy products (to be used or incorporated in the production of farm tractors or engine power units) other than the following:

(i) *Radiators.* Water courses and tanks of copper alloy containing not more than seventy-one percent (71%) copper;

(ii) *Cooling control devices.* Thermostats; radiator sealing caps (pressure type only);

(iii) *Electrical equipment.* Magnetos, switches, wiring;

(iv) *Bearings, bushings, thrust washers and similar parts;*

(*a*) Bushings and thrust washers for:

Electrical equipment,
Steering gears,
Front axle king pins,
Clutch and brake pedals and control shafts,
Transmission, power lift and power take off gearing,
Engine bearings,

Provided, That such copper and copper base alloy as may be used shall be reduced by substitution of steel backed for solid bronze bushings in all cases where diameter, length or wall thickness make such substitution practicable;

(*b*) Replacement parts where substitutes are prohibitive from a standpoint of tool and material costs.

(v) *Carburetor parts.* Those parts having metering or seating characteristics such as jets, nozzles, seats, metering rods and floats;

(vi) *Plating.* For functional parts in connection with carburizing and where substituted for solid copper or copper base alloy;

(vii) *Gaskets.* Spark plug gaskets (internal only); washers or solid gaskets where seating is required;

(viii) *Used as a minor alloying element.* In zinc die castings for carburetor parts or for other functional items where substitutes are prohibitive from a standpoint of tool cost; in ferrous alloys;

(ix) *Brazing material.* For joining functional parts of multiple-piece construction; or

(x) *Powdered copper* for briquetted bearings; copper lead bearings. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 3d day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–5198; Filed, June 3, 1942; 11:26 a. m.]

PART 1095—COMMUNICATIONS

[Amendment 1 to Preference Rating Order P–129]

MAINTENANCE, REPAIR AND OPERATING SUPPLIES

Section 1095.2 *Preference Rating Order P–129*[1] is hereby amended in the following particulars:

Paragraph (g) (1) is hereby amended by inserting before the first word of that paragraph (Except) the following words:

On and after September 1, 1942, * * *

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 3d day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–5200; Filed, June 3, 1942; 11:26 a. m.]

PART 1095—COMMUNICATIONS

[Amendment 1 to Preference Rating Order P–130]

Section 1095.3 *Preference Rating Order P–130*[2] is hereby amended in the following particulars:

Paragraph (g) (1) is hereby amended by inserting before the first word of that paragraph (Except) the following words:

On and after September 1, 1942, * * *

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 3d day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–5201; Filed, June 3, 1942; 11:26 a. m.]

PART 1174—LAUNDRY EQUIPMENT, DRY CLEANING EQUIPMENT AND TAILORS' PRESSING MACHINERY

[Amendment 1 to General Limitation Order L–91, as amended]

Paragraph (d) of § 1174.1 *General Limitation Order L–91*[3] as amended, is amended to read as follows:

(d) *Prohibition of production of commercial laundry and dry cleaning machinery.* (1) Unless otherwise authorized by the Director of Industry Operations, on and after June 1, 1942, no manufacturer shall produce any commercial laundry machinery, except to fill orders

[1] 7 F.R. 3030, 3474.
[2] 7 F.R. 3031.
[3] 7 F.R. 3852.

for, and in accordance with, specifications of, the Army or Navy of the United States, the Army or Navy of Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom including its Dominions, Crown Colonies and Protectorates, or Yugoslavia; for the Maritime Commission, or to fill orders to equip a vessel constructed for the Maritime Commission or Lend-Lease Administration, or a cantonment or other Army or Navy base constructed for the use and operation of the Army or Navy of the United States: *Provided, however,* That a manufacturer may complete the assembly of any commercial laundry machinery, the delivery of which has been authorized by the Director of Industry Operations on Form PD–418, where the only operation necessary to complete the machinery for delivery is the final assembly of completely fabricated parts.

(2) Unless otherwise authorized by the Director of Industry Operations, on and after July 1, 1942, no manufacturer shall produce any commercial dry cleaning machinery, except to fill orders for, and in accordance with, specifications of, the Army or Navy of the United States, the Army or Navy of Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom including its Dominions, Crown Colonies and Protectorates, or Yugoslavia; for the Maritime Commission, or to fill orders to equip a vessel constructed for the Maritime Commission or Lend-Lease Administration, or a cantonment or other Army or Navy base constructed for the use and operation of the Army and Navy of the United States: *Provided, however,* That a manufacturer may complete the assembly of any commercial dry cleaning machinery, the delivery of which has been authorized by the Director of Industry Operations on Form PD–418, where the only operation necessary to complete the machinery for delivery is the final assembly of completely fabricated parts.

(3) Unless otherwise authorized by the Director of Industry Operations, no commercial laundry or dry cleaning machinery, or tailors' pressing machinery, including maintenance or repair parts therefor, shall be manufactured after May 15, 1942, except by a person who has filed an application under Preference Rating Order P–90 (Production Requirements Plan) on Form PD–25A, PD–25X, or other applicable form for all his material requirements for such manufacture for which he requires priority assistance. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 3d day of June 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–5199; Filed, June 3, 1942; 11:26 a. m.]

Chapter XI—Office of Price Administration

PART 1351—FOODS AND FOOD PRODUCTS

[Amendment 3 to Revised Price Schedule 53 [1]]

FATS AND OILS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

In § 1351.151 a new subparagraph (8) is added to paragraph (b), subparagraphs (1), (2), (3) and (4) in paragraph (b) are amended, paragraph (c) is amended, and § 1351.151a is amended, as set forth below:

§ 1351.151 *Maximum prices for fats and oils.* * * *

(b) * * *

(1) For any kind, grade or quality of fat or oil the maximum price shall be the highest price at which the seller sold such kind of fat or oil of the same grade and quality in a similar amount to a similar purchaser on October 1, 1941, for delivery within sixty days.

(2) If the maximum price cannot be determined under paragraph (b) (1), the maximum price shall be the highest price at which the seller sold the same kind of fat or oil of a different grade or quality or in a different amount or to a different type of purchaser on October 1, 1941, for delivery within sixty days, making the necessary adjustments for differences in grade, quality, amount or type of purchaser in accordance with the seller's practice for determining price differentials existing on October 1, 1941.

(3) If the maximum price cannot be determined under either paragraph (b) (1) or (b) (2), the maximum price shall be the price at which such kind of fat or oil of the same grade and quality in a similar amount to a similar purchaser was sold in the locality of the seller's shipping point on October 1, 1941, for delivery within sixty days.

(4) If the maximum price cannot be determined under paragraph (b) (1), (b) (2), or (b) (3), the maximum price shall be the price at which such kind of fat or oil of the same grade and quality in a similar amount to a similar purchaser was sold in the nearest market in which such sale was made on October 1, 1941, making adjustments for the customary differential between the price in such market and the price in the locality of the seller's shipping point.

* * * * *

(8) On and after June 8, 1942, subparagraphs (1) to (5) both inclusive of this paragraph (b) shall have no application to the following fats and the maximum prices thereof shall be the following prices:

(i) *Lard*—commercial running lots, Chicago basis, in cents per pound, unless otherwise indicated, as follows:

Loose lard	11.90
Leaf lard (raw)	12.40
Prime steam lard in tierces (cash lard)	12.90
Steam rendered pork fat	11.90
Refined lard, in export boxes	13.25

[1] 7 F.R. 1309, 1836, 2132, 3430, 3821.

(a) The usual or normal differentials, for grade, quantity, and type of purchaser, above or below these prices for basic grades, shall continue to apply.

(b) The usual or normal differentials, above or below the Chicago basis, shall continue to apply for all other shipping points.

(ii) *Refined lard* (except in export boxes—sales by processors, shall be governed by §§ 1499.2, 3, 5, 6, 7, 8, 11, 12, 17, 19 and 20 of the General Maximum Price Regulations,[2] except that February 1942 shall be substituted for March 1942 in computing the highest price which may be charged in accordance with §§ 1499.2 and 1499.3 thereof.

(c) The maximum prices established in paragraph (b) (6) of this section shall be the maximum prices for cottonseed oil futures contracts traded after May 11, 1942 on the New York Produce Exchange and on the New Orleans Cotton Exchange, and the maximum prices established in paragraph (b) (8) of this section shall be the maximum prices for lard futures contracts traded after May 30, 1942 on the Chicago Board of Trade.

* * * * *

§ 1351.151a *Exempt sales.* Sales of fats and oils products in the finished form, sales of refined fats and oils (except coconut oil) destined for use or consumption without furthering processing or packing by the buyer, and sales of lard destined for human consumption without further processing are exempt from the operation of Revised Price Schedule No. 53, unless a maximum price for such fats or oils product, or refined fat or oil, or lard is enumerated in terms of dollars and cents in § 1351.151 (b).

* * * * *

§ 1351.159 *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§§ 1351.151 (b) (1), (2), (3), (4), (8), (c) and 1351.151a) to Revised Price Schedule No. 53, shall become effective June 8, 1942, except that the provisions of Amendment No. 3 shall not apply until June 15, 1942, to deliveries of refined lard in export boxes under contracts with the United States or any agency thereof entered into prior to May 18, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 2d day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–5167; Filed, June 2, 1942; 5:17 p. m.]

PART 1370—ELECTRICAL APPLIANCES

[Correction to Amendment 3 to Maximum Price Regulation 111 [1]]

NEW HOUSEHOLD VACUUM CLEANERS AND ATTACHMENTS

A statement of considerations involved in the issuance of this correction has been issued simultaneously herewith and has

[1] 7 F.R. 2307, 2794, 3330, 3447, 3776.
[2] 7 F.R. 3153, 3330, 3666.

been filed with the Division of the Federal Register.

The text of paragraph (a) in § 1370.12 in Amendment No. 3 should appear as amended by Amendment No. 1 and not as set forth in Amendment No. 3. Section 1370.12 (a) of Amendent No. 3 is corrected as set forth below:

§ 1370.12 *Appendix A: Maximum prices for household vacuum cleaners and attachments*—(a) *Maximum prices for sales to consumers of models having recommended retail prices and Montgomery Ward & Company and Sears Roebuck & Company models.* The maximum price, exclusive of excise or sales taxes, for the sale to consumers of the following models shall be:

* * * * *

§ 1370.14 *Effective dates of amendments.* * * *

(d) Correction (§ 1370.12 (a)) of Amendment No. 3 to Maximum Price Regulation No. 111 shall become effective June 2, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 2d day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5164; Filed, June 2, 1942; 5:15 p. m.]

PART 1378—COMMODITIES OF MILITARY SPECIFICATION FOR WAR PROCUREMENT AGENCIES

[Maximum Price Regulation 156]

CERTAIN BEEF AND BEEF PRODUCTS PURCHASED BY CERTAIN FEDERAL AGENCIES

In the judgment of the Price Administrator, the application of the General Maximum Price Regulation[1] to the purchases of certain types of beef and beef products would tend to delay the necessary procurement of those products by the armed forces and the Federal Surplus Commodities Corporation because (a) there were no representative sales during March of some of those types and (b) the highest March selling prices of other types were abnormally low with relation to average selling prices during that month as compared with the range between average and highest selling prices of beef in the domestic civilian market.

In the judgment of the Price Administrator the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. Such prices are based upon representative sales of beef and beef products to these agencies of the Federal Government, with such adjustments as were necessary to equalize the maximum prices established herein with those established for the domestic civilian market by the General Maximum Price Regulation. A statement of the considerations involved in the issuance of this Regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

The maximum prices established herein are not below prices which will reflect to producers of the agricultural commodities from which such beef and beef products are produced prices for their products equal to the highest of any of the following prices therefor determined and published by the Secretary of Agriculture: (1) 110 percentum of the parity price for each commodity adjusted by the Secretary of Agriculture for grade, location, and seasonal differentials; (2) the market prices prevailing for each such commodity on October 1, 1941; (3) the market prices prevailing for each such commodity on December 15, 1941; or (4) the average prices for each such commodity during the period July 1, 1919, to June 30, 1929.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[2] issued by the Office of Price Administration, Maximum Price Regulation No. 156 is hereby issued.

AUTHORITY: §§ 1378.51 to 1378.60, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1378.51 *Prohibition against selling certain beef or beef products at prices above the maximum to certain agencies of the United States Government.* On and after July 1, 1942, regardless of any contract, agreement, or other obligation, no person shall sell or deliver certain beef or beef products to the Federal Surplus Commodities Corporation or to any purchasing agency of the armed forces of the United States at a price higher than the maximum price permitted by § 1378.52.

§ 1378.52 *Maximum prices for certain beef and beef products.* (a) The maximum delivered price for frozen boneless beef in each of the following zones shall be:

Zone	Area	Price per cwt.
I	Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, West Virginia, and Virginia.	$26.40
II	Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Florida.	26.50
III	Indiana, Ohio and Kentucky	26.10
IV	Michigan, Wisconsin, Illinois, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Colorado, and Wyoming.	25.80
V	Arkansas, Louisiana, Oklahoma, Texas, New Mexico, and Arizona.	26.20
VI	Montana, Idaho, Utah, Nevada, California, Oregon, and Washington.	28.00

(b) The maximum prices, f. o. b. the seller's shipping point, for each of the following canned products shall be:

Product	Size of can	Price per dozen cans
Vienna sausage	24 oz	$7.50
Corned beef	6 lb	32.00
Corned beef hash	5½ lb	12.50
Meat and vegetable stew	30 oz	3.80
Ration 2	12 oz	1.50
Meat and vegetable hash	6 lb., 12 oz	12.90
Ration 3	12 oz	1.45
Chili con carne	6 lb., 8 oz	12.60
Ration 1	12 oz	1.25

§ 1378.53 *Less than maximum prices.* Lower prices than those set forth in § 1378.52 may be charged, demanded, paid or offered.

§ 1378.54 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 156 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, bid, sale or delivery of, or relating to, any of the products referred to in § 1378.52, alone or in conjunction with any other commodity, or by way of any commission, service, transportation or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or by changing the selection or grading or the style of cutting, trimming, curing, cooking, drying, boning, or otherwise processing or the canning, wrapping or packaging of such products.

§ 1378.55 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 156 are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for the suspension of licenses provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 156 or any price schedule, regulation, or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1378.56 *Petitions for amendment.* Persons seeking modification of any provision of this Maximum Price Regulation No. 156 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1,[1] issued by the Office of Price Administration.

§ 1378.57 *Licensing, applicability of General Maximum Price Regulation.* The provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation,[1] relating to registration and licensing, shall apply to this Maximum Price Regulation No. 156, and every person subject to this Maximum Price Regu-

[1] 7 F.R. 3153, 3158.

[2] 7 F.R. 971.

[1] Supra.

lation No. 156 who is granted a license under § 1499.16 of the General Maximum Price Regulation, shall continue to be licensed under and in accordance with the provisions of said § 1499.16, and shall register with the Office of Price Administration at such time and in such manner as the Price Administrator may require pursuant to § 1499.15 of the General Maximum Price Regulation.

§ 1378.58 *Applicability of General Maximum Price Regulation.*[1] Except as provided in § 1378.57, the provisions of this Maximum Price Regulation No. 156 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this regulation.

§ 1378.59 *Definitions.* (a) When used in this Maximum Price Regulation No. 156, the term: (1) "Person" means individual, corporation, partnership, association, car route, packer's branch house, or other organized group of persons, or the legal successor or representative of any of the foregoing.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1378.60 *Effective date.* Maximum Price Regulation No. 156 (§§ 1378.51 to 1378.60, inclusive) shall become effective June 2, 1942.

Issued this 2d day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5165; Filed, June 2, 1942; 5:15 p. m.]

PART 1382—HARDWOOD LUMBER

[Correction to Maximum Price Regulation 155[1]]

CENTRAL HARDWOOD LUMBER

In § 1382.55 (appearing 7 F.R. 4109, May 30, 1942) line 6, the date "May 31, 1942" should appear and is hereby inserted.

In § 1382.57 (a) (3) (ii) line 36, the word "western" is corrected to read "eastern".

A new paragraph § 1382.60a is added:

§ 1382.60a *Effective dates of amendments.* (a) Correction (§§ 1382.55, 1382.57) to Maximum Price Regulation No. 155 shall become effective June 2, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 2d day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5166; Filed, June 2, 1942; 5:16 p. m.]

[1] 7 F.R. 4109.

PART 1499—COMMODITIES AND SERVICES

[Supplementary Regulation 9 to General Maximum Price Regulation]

LIGHTHOUSE FOR THE BLIND, NEW ORLEANS, LOUISIANA

A statement of the considerations involved in the issuance of this Supplementary Regulation has been issued simultaneously herewith, and has been filed with the Division of the Federal Register. For the reasons set forth in that statement, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, Supplementary Regulation No. 9 is hereby issued.

§ 1499.39 *Maximum prices for the sale of mops by the Lighthouse for the Blind.* (a) The maximum price for the sale of mops by the Lighthouse for the Blind, New Orleans, Louisiana, shall be the prices appearing in paragraph (b):

(b) *Size.*

	Selling price per dozen
No. 12	$1.95
No. 14	2.30
No. 16	2.70
No. 18	3.10
No. 20	3.55
No. 22	4.05
No. 24	4.45
No. 26	5.00
No. 28	5.75
No. 30	6.75

(c) Supplementary Regulation No. 9 (§ 1499.39) to General Maximum Price Regulation shall become effective June 3, 1942. (Pub. Law 421, 77th Cong.)

Issued this 2d day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5181; Filed, June 3, 1942; 9:43 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Supplementary Regulation 10 to General Maximum Price Regulation[1]]

SALES OR DELIVERIES OF RICE AND LARD TO PUERTO RICO AND THE VIRGIN ISLANDS

A statement of the considerations involved in the issuance of this Supplementary Regulation has been issued simultaneously herewith, and has been filed with the Division of the Federal Register. For the reasons set forth in that statement, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and pursuant to § 1499.4 of General Maximum Price Regulation, Supplementary Regulation No. 10 is hereby issued.

§ 1499.40 *Sales or deliveries of rice and lard to Puerto Rico and the Virgin Islands.* (a) In sales or deliveries of rice in Puerto Rico and the Virgin Islands where the seller prior to June 1, 1942, had received delivery of the rice sold or delivered and the direct cost of such rice to the seller, exclusive of overhead, was in excess of the price which the seller is permitted to charge in accordance with the terms of the General Maximum Price Regulation for such variety, type or grade of rice, then the maximum price the seller may charge, and the buyer may pay for such rice shall be the direct cost of such rice to the seller, exclusive of overhead.

(b) In sales or deliveries of lard in Puerto Rico and the Virgin Islands, where the seller prior to June 1, 1942, had received delivery of the lard sold or delivered and the direct cost of such lard to the seller, exclusive of overhead, was in excess of the price which the seller is permitted to charge in accordance with the terms of the General Maximum Price Regulation for such type or grade of lard, then the maximum price the seller may charge, and the buyer may pay for such lard shall be the direct cost of such lard to the seller, exclusive of overhead.

(c) (1) Supplementary Regulation No. 10 (§ 1499.40) to General Maximum Price Regulation shall become effective June 3, 1942. (Pub. Law 421, 77th Cong.)

Issued this 3d day of June, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5180; Filed, June 3, 1942; 9:43 a. m.]

[1] 7 F.R. 3153, 3330, 3666, 3990, 3991.

PART 1388—DEFENSE-RENTAL AREAS

[Amendment 1 to Designation of 7 Defense-Rental Areas and Rent Declaration Relating to Such Areas]

PARSONS, KANSAS

The title and item (2) listed in the table of § 1388.1151 of this designation and rent declaration are amended to read as set forth below:

Designation and Rent Declaration No. 24—Designation of 7 Defense-Rental Areas and Rent Declaration Relating to Such Areas

* * * * *

§ 1388.1151 *Designation.* * * *

Name of defense-rental area[1]	In State or States of—	Defense-rental area consists of—
* *	*	* *
(2) Parsons	Kansas	Counties of Labette, Montgomery, Neosho, and Wilson.
* *	*	*

[1] The words "Defense-Rental Area" shall follow the name listed in the table in each case to constitute the full name of a defense-rental area, e. g., "Indianapolis Defense-Rental Area", "Parsons Defense-Rental Area."

This Amendment No. 1 (§ 1388.1151) shall become effective June 3, 1942: *Pro-*

vided, however, That the effective date of the designation and rent declaration issued by the Price Administrator on April 28, 1942 (§§ 1388.1151 to 1388.1155, inclusive)[1] as to the defense-rental areas designated therein, including that portion of the Parsons Defense-Rental Area consisting of the County of Labette in Kansas, shall not be altered by this Amendment No. 1. (Pub. Law 421, 77th Cong.)

Issued this 3rd day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5207; Filed, June 3, 1942; 12:05 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 27]

DESIGNATION OF 24 DEFENSE-RENTAL AREAS AND RENT DECLARATION RELATING TO SUCH AREAS

The Emergency Price Control Act of 1942 provides that whenever in the judgment of the Price Administrator such action is necessary or proper in order to effectuate the purposes of that Act, he shall issue a declaration setting forth the necessity for, and recommendations with reference to, the stabilization or reduction of rents for any defense-area housing accommodations within a particular defense-rental area; and that if within sixty days after the issuance of any such recommendations rents for any such accommodations within such defense-rental area have not in the judgment of the Price Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the recommendations, the Price Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of that Act; and

In the judgment of the Price Administrator, defense activities have resulted or threaten to result in increases in the rents for housing accommodations in the areas designated in § 1388.1301 inconsistent with the purposes of the Emergency Price Control Act of 1942 and

In the judgment of the Price Administrator, it is necessary and proper in order to effectuate the purposes of the said Act to issue this declaration, setting forth the necessity for, and recommendations with reference to, the stablization or reduction of rents for defense-area housing accommodations within the defense-rental areas designated in § 1388.-1301.

Therefore, under the authority vested in the Price Administrator by said Act, this designation and rent declaration is issued.

AUTHORITY: §§ 1388.1301 to 1388.1305, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1388.1301 *Designation.* The following areas are hereby designated by the Price Administrator as areas where defense activities have resulted or threaten to result in an increase in rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute defense-rental areas to be known by the names listed in the following table:

Name of defense-rental area [1]	In State or States of—	Defense-rental area consists of—
(1) Tuscaloosa	Alabama	County of Tuscaloosa.
(2) Dover-Seaford	Delaware	Counties of Kent and Sussex.
(3) Pocatello-Idaho Falls	Idaho	Counties of Bannock, Bingham, Bonneville, and Power.
(4) Vincennes	Indiana	Counties of Daviess and Knox;
	Illinois	County of Lawrence.
(5) Rockland	Maine	County of Knox.
(6) Aberdeen, Mississippi	Mississippi	Counties of Chickasaw, Clay, Itawamba, Lee, and Monroe;
	Alabama	County of Lamar.
(7) Centreville	Mississippi	Counties of Adams, Amite, Pike, and Wilkinson;
	Louisiana	Parishes of East Feliciana and West Feliciana.
(8) Grenada	Mississippi	Counties of Calhoun, Carroll, Grenada, Leflore, Montgomery, Tallahatchie, Webster, and Yalobusha.
(9) Cape May	New Jersey	County of Cape May.
(10) Carlsbad	New Mexico	County of Eddy.
(11) Deming	New Mexico	County of Luna.
(12) Hobbs	New Mexico	County of Lea.
(13) Goldsboro	North Carolina	Counties of Lenoir, Wayne, and Wilson.
(14) Mansfield	Ohio	Counties of Ashland, Crawford, and Richland.
(15) Chickasha	Oklahoma	Counties of Caddo and Grady.
(16) North Bend-Marshfield	Oregon	County of Coos.
(17) Warren, Pennsylvania	Pennsylvania	County of Warren.
(18) Sioux Falls	South Dakota	Counties of Lincoln, Minnehaha, and Turner.
	Iowa	County of Lyon.
	Minnesota	County of Rock.
(19) Dyersburg	Tennessee	Counties of Crockett, Dyer, and Lauderdale.
(20) Murfreesboro	Tennessee	County of Rutherford.
(21) Eagle Pass	Texas	County of Maverick.
(22) Greenville, Texas	Texas	County of Hunt.
(23) Pecos	Texas	Counties of Reeves and Ward.
(24) Parkersburg	West Virginia	County of Wood;
	Ohio	County of Washington.

[1] The words "Defense-Rental Area" shall follow the name listed in the table in each case to constitute the full name of a defense-rental area, e. g., "Dover-Seaford Defense-Rental Area", "Aberdeen, Mississippi Defense-Rental Area."

§ 1388.1302 *Necessity.* The necessity for the stabilization or reduction of rents for defense-area housing accommodations in the defense-rental areas designated in § 1388.1301 is as follows:

The designated areas now are or will be the location of establishments of the armed forces of the United States or war production industries. An increase in employment has taken place in most of these areas and is about to take place in the other areas. Such increases in employment reflecting the expansion of war activities have resulted or threaten to result in increased demands for rental housing accommodations by persons residing in these areas.

In each of the designated areas defense activities have resulted or threaten to result in an increase in rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942. As war activities continue to expand, the demand for housing accommodations will become more extensive, and further rent increases and threatened rent increases will materialize unless prevented. Accordingly, it is necessary that rents for such housing accommodations in each of the designated areas be reduced or stabilized.

§ 1388.1303 *Recommendations.* It is the judgment of the Price Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within any of the defense-rental areas designated in § 1388.1301 inconsistent with the purposes of the Act. Accordingly, the Price Administrator has ascertained and given due consideration to the rents prevailing for housing accommodations within each of the designated areas on or about March 1, 1942. The Price Administrator has considered, so far as practicable, relevant factors deemed by him to be of general applicability, including fluctuations in property taxes and other costs. It is the judgment of the Price Administrator that the recommendations hereinafter set forth are generally fair and equitable and will effectuate the purposes of the Act.

Recommendations with reference to the stabilization or reduction of rents for housing accommodations within each of the designated defense-rental areas are as follows:

(a) The maximum rent for housing accommodations rented on March 1, 1942, should be the rent for such accommodations on that date. Appropriate provision consistent with such maximum rent date should be made for the maximum rent for housing accommodations not rented on March 1, 1942. In appropriate cases, including those relating to new construction or substantial changes of housing accommodations, provision consistent with the Emergency Price Control Act of 1942 should be made for the determination, adjustment, and modification of maximum rents of housing accommodations, but in principle such rents should not be greater than the rents generally prevailing for comparable accommodations in the particular area on March 1, 1942.

(b) Appropriate provisions should be made with respect to the restraint of evictions and other actions relating to the recovery of possession.

(c) Appropriate provision should be made to prevent the circumvention or evasion of maximum rents by any method whatever.

[1] 7 F.R. 3194.

§ 1388.1304 *Maximum rent regulation.* If within sixty days after the issuance of this designation and rent declaration, rents for housing accommodations within any defense-rental area designated in § 1388.1301 have not in the judgment of the Price Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the foregoing recommendations, the Price Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

§ 1388.1305 *Effective date.* This designation and rent declaration (§§ 1388.1301 to 1388.1305, inclusive) shall become effective June 3, 1942.

Issued this 3d day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5206; Filed, June 3, 1942; 12:05 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Amendment 3 to Ration Order 5[1]—Emergency Gasoline Rationing Regulations]

ADJUSTMENT, APPLICATIONS FOR SUPPLEMENTAL RATION AND APPEALS

Section 1394.46 is redesignated § 1394.47; a new § 1394.46 is added; and a new paragraph (c) is added to § 1394.61; as set forth below:

* * * * *

§ 1394.46 *Review by local boards of applications for gasoline ration cards.* (a) Any Board may review an application for a gasoline ration card of any class, made in the area over which it has jurisdiction, or referred to it by another Board, and may, in its discretion, require a holder of a gasoline ration card who resides or does business within the area over which the Board has jurisdiction to appear before it for examination in order to determine whether such holder was entitled to receive such card. The Board may also require the holder of a Class X card to appear before it for examination in order to determine whether such card is being used for the purpose for which it was issued. The Board shall give written notice to the holder of the time and place fixed for such appearance. The notice shall be deemed sufficient if mailed to the address shown on the application at least five (5) days prior to such time. The Board may designate one or more of its members to perform the functions prescribed in this section.

(b) If the Board finds that the holder was not entitled to receive a card of the class issued (or, in the case of an examination as to the use of a Class X card, if it finds that all or substantially all of the use of the vehicle or boat for which such card was issued is not for one or more of the purposes for which a Class X card may be issued) it shall direct that the card be surrendered to it, and such card shall forthwith be surrendered by the holder. If it finds that the holder is entitled to a gasoline ration card of a different class, it shall issue a card of the proper class, pursuant to the provisions of § 1394.41, in exchange for the card so surrendered.

(c) The Board shall record the name of any card holder who refuses to surrender his card upon direction of the Board or who fails or refuses to appear for examination in accordance with a notice sent by the Board pursuant to paragraph (a) of this section: *Provided,* That if a person whose name has been recorded for failure or refusal to appear for examination shows good cause to the Board for such failure or refusal his name shall be stricken from such record, upon compliance with the Board's direction with respect to the disposition of his gasoline ration card. Any person whose name remains recorded shall be prohibited from securing any gasoline ration card or book under the provisions of any gasoline Ration Order hereafter promulgated by the Office of Price Administration.

* * * * *

§ 1394.61 *Effective dates of amendments.*

* * * * *

(c) Amendment No. 3 (§§ 1394.46 and 1394.47) to Ration Order No. 5 shall become effective June 5, 1942. (Pub. Law 421, 77th Cong., 2d Sess., W.P.B. Directive No. 1, Sup. Dir. No. 1 H, 7 F.R. 562, 3478, 3877)

Issued this 3d day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5205; Filed, June 3, 1942; 12:05 p. m.]

[1] 7 F.R. 3482, 3524, 3554, 3577, 3723.

War Department

REVOCATION OF NOTICE OF PROCEDURE FOR CERTIFICATION UNDER SECTION 124 OF THE INTERNAL REVENUE CODE, AS AMENDED (TITLE III, SECTION 302 OF THE SECOND REVENUE ACT OF 1940)

In view of the repeal of section 124 (i) of the Internal Revenue Code by H. J. Res. 257, 77th Congress, and in view of the promulgation of regulations by the Secretary of War and the Secretary of the Navy, with the approval of the President, governing the issuance of Necessity Certificates under section 124 (f) of the Internal Revenue Code, the Notice of Procedure for Certification under Section 124 of the Internal Revenue Code, as amended (Title III, section 302 of the Second Revenue Act of 1940), issued October 30, 1941,[1] is hereby revoked.

[SEAL] JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

ROBERT P. PATTERSON,
Under Secretary of War.

JAMES V. FORRESTAL,
Under Secretary of the Navy.

[F. R. Doc. 42-5203; Filed, June 3, 1942; 11:49 a. m.]

[1] 6 F.R. 5594.

War Department

REGULATIONS PRESCRIBED BY THE SECRETARY OF WAR AND THE SECRETARY OF THE NAVY, WITH THE APROVAL OF THE PRESIDENT, GOVERNING THE ISSUANCE OF NECESSITY CERTIFICATES UNDER SECTION 124 (f) OF THE INTERNAL REVENUE CODE

1. *Introductory.* Section 124 of the Internal Revenue Code allows a deduction to corporations, in the computation of taxable income, for the amortization of the cost of emergency facilities over a period of sixty months or less. Allowance of the deduction is subject to certain conditions which include the issuance of Necessity Certificates by the Secretary of War or the Secretary of the Navy under regulations from time to time prescribed by them with the approval of the President. The following are the regulations so prescribed.

Regulations governing other features of Section 124 have been promulgated by the Bureau of Internal Revenue.

2. *Definitions.* As used throughout these regulations

a. "Emergency facility" means any facility, land, building, machinery, or equipment, or part thereof, the construction, reconstruction, erection or installation of which was completed after June 10, 1940, or which was acquired after such date, and with respect to which a Necessity Certificate has been made.

b. "Emergency period" means the period beginning June 10, 1940, and ending on the date on which the President proclaims that the utilization of a substantial portion of the emergency facilities, with respect to which Necessity Certificates have been made, is no longer required in the interest of national defense.

c. "Taxpayer" means a corporation as that term is defined in section 3797 (a) (3) of the Internal Revenue Code.

d. "Certifying authority" means the Secretary of War or the Secretary of the Navy, as the case may be, or the duly authorized representative of either.

e. "Commissioner" means the Commissioner of Internal Revenue.

f. "Necessity Certificate" means a certificate made pursuant to Section 124 (f) of the Internal Revenue Code, certifying that the construction, reconstruction, erection, installation or acquisition of the facilities, referred to in the certificate, is necessary in the interest of national defense during the emergency period.

g. "Supply" means any article, product, material or service.

3. *Determination of necessity.* In determining whether the construction, reconstruction, erection, installation or acquisition of a facility is necessary in the interest of national defense during the emergency period, and that a Necessity Certificate may therefore be issued, the certifying authority will be guided by the following considerations:

a. *Supplies required for national defense.* The certifying authority will consider whether the supply to be produced with the facility sought to be certified is required in the interest of national defense during the emergency period. A

supply may be found to be so required if it—

i. is essential to the armed forces of the United States or auxiliary personnel, including civilian defense;

ii. is intended for any nation which may be furnished supplies under any act of Congress or any authorization of the President, or

iii. has only civilian use, but such use (1) will contribute to the release of supplies required in the interest of national defense; (2) is necessary for the operation of defense facilities, or (3) is otherwise in the interest of national defense; *Provided*, That any certification of facilities used for the production of purely civilian supply should conform to policies of the War Production Board, or any other appropriate defense agency.

b. *Shortage of supplies required for national defense.*

i. *General rule.* The certifying authority will consider whether, at the time of the expansion or conversion or at the time of the issuance of the Necessity Certificate, there is an existing or prospective shortage of facilities for the production of the supply which is to be produced by the facility sought to be certified. Every attempt should be made to utilize existing productive capacity in the United States for the production of supplies required in the interest of national defense, through the medium of prime contracts, subcontracts, conversion or otherwise before expansion of facilities for emergency purposes is undertaken. As a general rule, facilities will be certified only if—

(1) an overall shortage exists or is in prospect in the industry producing such supply (no such shortage will be found to exist if the required increase in production could be accomplished substantially as well by an increased or more efficient use of existing plant) and

(2) facilities are not available outside such industry which as a practical matter may be used directly or after adaptation or conversion for the production of such supply.

ii. *Exceptions.*

(1) *Impracticability of using existing facilities elsewhere.* Existing capacity will be regarded as insufficient if, notwithstanding an apparent adequate capacity, facilities are lacking in a particular region and that lack cannot readily be met by surplus capacity in other regions because of

(a) the excessive cost of transportation;

(b) the need for transportation facilities for other products, or

(c) the desirability of insuring a regional supply.

(2) *Special need by the taxpayer.* In unusual cases existing capacity may be regarded as insufficient if, notwithstanding the existence of an apparent adequate capacity, facilities to produce supplies necessary for national defense are needed by a taxpayer whose qualifications for the manufacture of a special product are recognized as essential to the defense program.

c. *Other considerations.* The certifying authority will be guided by the following additional considerations:

i. *Depreciable assets.* With the exception of land, facilities will not be certified unless they are subject to the deduction provided for by Section 23 (l) of the Internal Revenue Code.

ii. *Land.* Land will not be certified as necessary unless directly related to the production, storage, transportation or protection of supplies required in the interest of national defense.

iii. *Acquisition of going concern.* Acquired facilities previously constituting the principal productive assets of a going concern will not ordinarily be certified unless there is a reasonable prospect of a substantial increase in the usefulness of such facilities resulting from such acquisition and such increase cannot satisfactorily be obtained through subcontracting or unless a probable substantial loss of usefulness would result except for such acquisition.

Exceptions may be made under special circumstances in the case of transfer of ownership of facilities when such facilities were constructed, reconstructed, erected, installed, or acquired by a transferor after the beginning of the emergency period.

iv. *Conversion of non-defense facilities to defense purposes.* In cases where a taxpayer has expanded its facilities to maintain nondefense production because facilities previously so employed were converted to defense work, such expansion will be considered for certification only to the extent of such conversion.

v. *Replacements.* If it is established that replacements would have been made, at or about the time made, regardless of the emergency, they will not be eligible for certification.

4. *War Production Board.*

a. *Function.* The War Production Board, which has assumed the functions of the Tax-Amortization Committee, an advisory committee in the Office of Production Management established at the direction of the President on November 11, 1941, will examine the work of the Tax-Certification Sections of the War Department and the Navy Department and will assist from time to time in the direction of their policies relating to issuance of Necessity Certificates, in order to coordinate the administration of the law with the declared policy of using all available productive capacity. Recommendations may be made by the War Production Board to the Secretary of War and the Secretary of the Navy or to the President concerning such changes in these regulations as it may deem necessary. A staff representing the War Production Board will examine the work of the Tax-Certification Sections of the War Department and the Navy Department in such detail as may be necessary to keep the War Production Board advised of the administration of the law with regard to the use of available productive capacity, and to make recommendations on certain applications as hereinafter set forth.

b. *Procedure.* The certifying authority will transmit to the War Production Board or such other Government department or agency as the War Production Board may designate, for recommendation, a copy of each application involving (a) facilities estimated by the taxpayer to cost in excess of $250,000 or such greater amount as may be fixed from time to time by the War Production Board or (b) new questions of policy relating to available productive capacity as such questions may be defined from time to time by the War Production Board and communicated in writing to the certifying authority. The War Production Board or such other Government department or agency will make its recommendation within two weeks after receipt of the copy of the application, provided that the certifying authority and the War Production Board may in particular cases agree upon a longer period, and provided further that in exceptional cases the certifying authority may require action in a shorter period. In any such case, no action will be taken by the certifying authority until the War Production Board or such other Government department or agency has made its recommendation as to the disposition of such application or has notified the certifying authority that it will make no recommendation, or until such period has expired. If the certifying authority does not intend to follow the recommendations of the War Production Board or such other Government department or agency, or if he has not received such recommendation or notification within the time limits stated above, the certifying authority will notify the War Production Board before taking final action. In any such case in which the certifying authority has not followed the recommendation, he will make available to the War Production Board a complete file on the application and will transmit to the War Production Board a report stating the reasons for the action taken.

5. *Effect of Necessity Certificate.*

a. *General rule.* A Necessity Certificate is conclusive evidence of certification by the certifying authority that the facilities therein described are necessary in the interest of national defense, up to the percentage therein designated of the cost attributable to the construction, reconstruction, erection, installation or acquisition thereof after June 10, 1940.

b. *As to descriptions, costs and dates.* The certifying authority will not certify the accuracy of the cost of any facility or of any date relative to the construction, reconstruction, erection, installation or acquisition thereof. It will be incumbent upon taxpayers electing to take the amortization deduction to establish to the satisfaction of the Commissioner the identities of the facilities, the costs thereof and the dates relative thereto, except that in the case of Emergency Plant Facilities contracts the certifying authority will furnish the Com-

missioner with a copy of the Final Cost Certificate.

c. *As to Emergency Plant Facilities Contracts.* An application for a Necessity Certificate and any Necessity Certificate issued with respect to emergency facilities made the subject of an Emergency Plant Facilities contract will be deemed to cover all of the facilities purchased pursuant to such contract and any amendment or supplement thereto.

d. *Further description after certification.* Where after the completion of an expansion the taxpayer finds that the description or cost of any facility appearing in the Necessity Certificate materially varies from the actual description or cost of the facility, a statement should be filed by the taxpayer with the certifying authority setting forth the correct description or cost of the emergency facility actually constructed, reconstructed, erected, installed or acquired. A copy of the statement will be forwarded by the certifying authority to the Commissioner, provided the description or cost in the opinion of the certifying authority is within the scope of the original certification, and when so forwarded, the statement will have the effect of an amendment of the original certificate.

6. *Form of application.* The standard form of application for a Necessity Certificate with accompanying instructions may be obtained from the certifying authority. In cases where time does not permit preparation of a formal application, an informal written application will be accepted, pending the filing of a formal application. The formal application need not follow the standard form nor repeat any of the language of these regulations; but it should clearly and concisely set forth the information called for in the standard form, with particular reference to such of the considerations set forth in Article 3 of these regulations as may be relevant to the application. The application must be sworn to by a duly authorized officer of the corporation, and should give the name of the person authorized to represent the taxpayer for the purpose of the application.

7. *Place and time of filing of application; making of election.* An application for a Necessity Certificate is filed when received at the office of the certifying authority in Washington, D. C., or at any other office designated by the certifying authority. The application must be thus filed within six months after the beginning of the construction, reconstruction, erection, or installation, or the date of acquisition, of the facilities sought to be certified, or before December 1, 1941, whichever is later. The application should be filed in time to enable the certifying authority to issue a Necessity Certificate before expiration of the taxpayer's time of making of election, as set forth in Section 124 (f) (3) of the Internal Revenue Code, which provides, in part, as follows: ". . . that in no event and notwithstanding any of the other provisions of this Section, no amortization deduction shall be allowed in respect of any emergency facility for any taxable year unless a Certificate in respect thereof under paragraph (1) of the Subsection shall have been made prior to the making of the election, pursuant to Subsection (b) and (d) (4) of this Section, to take the amortization deduction and begin the sixty month period in or with such taxable year . . ."

8. *Necessity Certificates previously issued.* All Necessity Certificates issued by the certifying authority prior to the effective date of these regulations are hereby ratified and confirmed. Any statements heretofore forwarded by the certifying authority to the Commissioner in conformity with Article 5-d hereof will be deemed to have had the effect of an amendment of the original certificate to which it relates.

9. *Amendment of regulations.* These regulations may be amended by the Secretary of War and the Secretary of the Navy with the approval of the President.

HENRY L. STIMSON,
Secretary of War.
FRANK KNOX,
Secretary of the Navy.

Approved:

FRANKLIN D ROOSEVELT,
President.

5/22/42.

[F. R. Doc. 42-5204; Filed, June 3, 1942; 11:49 a. m.]

TITLE 46—SHIPPING

Chapter II—Coast Guard: Inspection and Navigation

PART 36—LICENSED OFFICERS AND CERTIFICATED MEN

Section 36.1-1 (e) (6) is amended to read as follows:

§ 36.1-1[1] *Original licenses*—T/ALL.

* * * * *

(e) * * *

(6) An active commission in the United States Navy, Marine Corps, Coast Guard, or the reserve components thereof.

* * * * *

PART 62—LICENSED OFFICERS AND CERTIFICATED MEN

Section 62.204 (c) (6) is amended to read as follows:

§ 62.204 *General.*

* * * * *

(c) * * *

(6) An active commission in the United States Navy, Marine Corps, Coast Guard, or the reserve components thereof.

* * * * *

PART 138—RULES AND REGULATIONS FOR ISSUANCE OF CERTIFICATES AND CONTINUOUS DISCHARGE BOOKS

Section 138.1 (k) (6) is amended to read as follows:

§ 138.1 *General provisions.*

* * * * *

(k) * * *

(6) An active commission in the United States Navy, Marine Corps, Coast Guard, or the reserve components thereof.

* * * * *

(R.S. 4450, R.S. 4417a, R.S. 4438, R.S. 4438a; 46 U.S.C. 375, 391a, 224, 224a; E.O. 9083, February 28, 1942; 7 F.R. 1609, 3957)

R. R. WAESCHE,
Vice Admiral, U. S. Coast Guard, Commandant.

JUNE 3, 1942.

[F. R. Doc. 42-5192; Filed, June, 3, 1942; 10:58 a. m.]

[1] 7 F.R. 264.

Notices

WAR DEPARTMENT.

[Civilian Exclusion Order No. 98]

STATE OF WASHINGTON—KITTITAS, YAKIMA, KLICKITAT, BENTON, OKANOGAN, AND CHELAN COUNTIES, WASHINGTON

PERSONS OF JAPANESE ANCESTRY EXCLUDED FROM RESTRICTED AREA

Headquarters Western Defense Command and Fourth Army, Presidio of San Francisco, California

MAY 27, 1942.

1. Pursuant to the provisions of Public Proclamations Nos. 1[1] and 2,[2] this Headquarters, dated March 2, 1942, and March 16, 1942, respectively, it is hereby ordered that from and after 12 o'clock noon, P. W. T., of Sunday, June 7, 1942, all persons of Japanese ancestry, both alien and non-alien, be excluded from that portion of Military Area No. 1 described as follows:

All of the Counties of Kittitas, Yakima, Klickitat and Benton, and all that portion of the Counties of Okanogan and Chelan, State of Washington, lying west of a line beginning at the intersection of U. S. Highway No. 97 with the International Boundary Line between Canada and the United States; thence southerly along U. S. Highway No. 97 to the point where the same intersects U. S. Highway No. 10A near the junction of the Columbia River and the Wenatchee River; thence southerly along U. S. Highway No. 10A to the bridge across the Columbia River connecting Wenatchee and East Wenatchee; thence southerly along the westerly bank of the Columbia River to the Kittitas-Chelan County Line.

2. A responsible member of each family, and each individual living alone, in the above described area will report between the hours of 8:00 A. M. and 5:00 P. M., Sunday, May 31, 1942, to one of the Civil Control Stations located at: Schoolhouse, Lyle, Washington; United States Employment Service Office, Columbia Hotel Building, Wenatchee, Washington; and Gymnasium, 202 West Second Street, Wapato, Washington.

3. Any person subject to this order who fails to comply with any of its provisions or with the provisions of published instructions pertaining hereto or who is found in the above area after 12 o'clock noon, P. W. T., of Sunday, June 7, 1942,

[1] 7 F.R. 2320.
[2] 7 F.R. 2405.

will be liable to the criminal penalties provided by Public Law No. 503, 77th Congress, approved March 21, 1942, entitled "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving or Committing any Act in Military Areas or Zones," and alien Japanese will be subject to immediate apprehension and internment.

4. All persons within the bounds of an established Assembly Center pursuant to instructions from this Headquarters are excepted from the provisions of this order while those persons are in such Assembly Center.

[SEAL] J. L. DEWITT,
Lieutenant General, U. S. Army,
Commanding.

Confirmed:

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-5172; Filed, June 3, 1942; 9:26 a. m.]

EXAMINATION FOR APPOINTMENT IN THE MEDICAL CORPS, REGULAR ARMY

1. An examination of applicants for appointment as first lieutenants, Medical Corps, Regular Army, under the provisions of AR 605-20[1] and §§ 73.1 to 73.22, inclusive, of Title 10 of the Code of Federal Regulations, will be held from August 10 to 13, 1942, inclusive.

2. Applications and requests for information concerning this examination should be addressed to The Adjutant General.

3. Applications received after July 22, 1942, will not be considered. (35 Stat. 67, 41 Stat. 774; 10 U.S.C. 92, 93) [Sec. II, Cir. 158 W.D., May 23, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-5171; Filed, June 3, 1942; 9:26 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket Nos. A-1004, A-1005]

SHERIDAN-WYOMING COAL CO., AND ACE OF SPADES COAL CO.

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND PROPOSED CONCLUSIONS OF LAW OF THE EXAMINER AND DENYING RELIEF

In the matter of the petition of the Sheridan-Wyoming Coal Company, Inc., a code member in Subdistrict 5 of District 19, for the recognition of a certain tipple located in Kirby, Wyoming, as the normal loading facility of the Miller Mine (Mine Index No. 152) and Osborn Mine (Mine Index No. 159) and for revision of the effective minimum prices for the coals, for truck shipment, produced at certain other mines in that subdistrict, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

In the matter of the petition of Ace of Spades Coal Company, et al., code members in Subdistrict 5 of District 19, for the recognition of a certain tipple located at Kirby, Wyoming, as the normal loading facility of the Miller Mine (Mine Index No. 152) and the Osborn Mine (Mine Index No. 159) and for revision of the effective minimum prices for the coals, for truck shipment, produced at certain other mines in that subdistrict, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

This proceeding having been instituted upon original petitions filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by the Sheridan-Wyoming Coal Company, Inc., (Docket No. A-1004) and by Ace of Spades Coal Company, Kristina Bloom, Cecil Boulware, Manderson Coal Company, Big Seven Coal Company, Patrick Burns, Jesse A. Oldham, Silver Tip Mining Company, Sheridan-Wyoming Coal Company, Inc., and Wyoming Wonder Coal Company, code members in District 19, (Docket No. A-1005);

The petitions, as amended at the hearing, having requested that relief be granted as follows: (1) That the minimum prices established for the coals produced at the Miller Mine (Mine Index No. 152) and the Osborn Mine (Mine Index No. 159), of the Sheridan-Wyoming Coal Company, Inc., be made effective for shipment from the operator's tipple located at Kirby, Wyoming; and (2) that reductions of 5, 10 and 15 cents per ton be made in the minimum prices established for other coals of Subdistrict 5 of District 19; and (3) that District Board 19 be requested to file, under section 4 II (d) of the Act, a petition praying that the minimum prices established for coals for truck shipment produced in Subdistrict No. 2 of District No. 22 be raised to the same level, for comparable sizes, as requested in both the original petitions for all mines in Subdistrict 5 of District 19 other than Mine Index Nos. 124, 129, 152, 159 and 180;

Both petitions having contained prayers for temporary relief, and after a consolidated informal conference held on August 15 and 16, 1941, temporary relief having been denied by Order of the Director dated October 17, 1941;

A petition for leave to intervene having been filed by District Board 19, and P. H. Burnell, John Carey, Eagle Mine Co., Roncco Coal Company, Silver Tip Mining Company, Valley Coal Mine, and Eli Todorovich, code members in Subdistrict 5 of District 19, having intervened in opposition to the relief requested in the original petitions;

Pursuant to orders of the Director, and after notice to interested parties, a consolidated hearing in these matters having been held on November 17, 18, 19, 20, and 21, 1941, before Scott A. Dahlquist, a duly designated Examiner of the Division at a hearing room thereof in Thermopolis, Wyoming, at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard, and at which appearances were entered on behalf of Sheridan-Wyoming Coal Company, Inc., District Board 19, Ace of Spades Coal Company, P. H. Burnell, John Carey, Eagle Mine Coal Co., Dave King, Roncco Coal Co., Silver Tip Mining Company, Eli Todorovich, Valley Coal Mine, Hutchinson Coal Company, and Rollin E. Wright;

The Examiner, on March 4, 1942, having filed his Report, Proposed Findings of Fact and Proposed Conclusions of Law, in which he recommended that the relief requested in the original petitions be denied.

All parties having been afforded an opportunity to file exceptions thereto and supporting brief;

The Sheridan-Wyoming Coal Company, Inc., having been granted additional time in which to file exceptions to the Examiner's Report and a supporting brief and exceptions and a supporting brief having been filed by it within the time allowed therefor;

The undersigned having considered the record in this matter in the light of the exceptions and briefs filed herein and having rendered an Opinion in this matter, which is filed herewith;[1]

Now, therefore, it is ordered, That the exceptions filed herein by The Sheridan-Wyoming Coal Company, Inc., be, and they hereby are, overruled, and the proposed findings of fact and proposed conclusions of law of the Examiner be, and they hereby are, approved as the findings of fact and conclusions of law of the undersigned.

It is further ordered, That the prayers of the original petitions filed herein be, and they hereby are, denied.

Dated: June 2, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5190; Filed, June 3, 1942; 11:00 a. m.]

[Docket No. 1653-FD]

IN THE MATTER OF DWAINE BROWN, CODE MEMBER

ORDER APPROVING AND ADOPTING PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATIONS OF THE EXAMINER, AND ORDER TO CEASE AND DESIST

This proceeding was instituted upon a complaint filed with the Bituminous Coal Division on April 12, 1941, by the Bituminous Coal Producers Board for District No. 15, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937. The complaint alleges that Dwaine Brown, a code momber in District No. 15, wilfully violated the Bituminous Coal Code and the rules and regulations thereunder, and prays that the Division either cancel and revoke Brown's code membership or, in its discretion, direct him to cease and desist from violations of the Code and rules and regulations thereunder.

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[1] Administrative regulations of the War Department relative to appointment in Medical Corps, Regular Army.

[1] Not filed with the Division of the Federal Register.

After due notice to interested persons, a hearing in this matter was held before Joseph D. Dermody, a duly designated Examiner of the Division, at a hearing room thereof in Unionville, Missouri. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. Appearances were entered by the complainant and by code member.

Examiner Dermody submitted, on April 22, 1942, his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and a Recommendation. The Examiner found that the uncontroverted evidence revealed that code member, operating the Brown Mine, Mine Index No. 467, had failed to comply with Order No. 318, dated February 15, 1941, since the date of its issuance. He concluded that code member had wilfully violated section 4 II (a) of the Act. He recommended that the code member should be ordered to cease and desist from failing to file a report of all sales of coal, sold and shipped from his mine, as required by Order No. 318, or from otherwise violating the Act, the Code, and the rules and regulations thereunder. Examiner Dermody also recommended that such Order should provide that, upon failure of the code member to comply therewith, the Division might apply to the Circuit Court of Appeals to enforce the Order, pursuant to the provisions of the Act, or take other appropriate action.

An opportunity was afforded to all parties to file exceptions to the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner, and supporting briefs. No exceptions or supporting briefs have been filed.

The undersigned has determined that the proposed findings of fact and the proposed conclusions of law of the Examiner in this matter should be approved and adopted as the findings of fact and conclusions of law of the undersigned.

Now, therefore, it is ordered, That the said proposed findings of fact and proposed conclusions of law of the Examiner be, and they hereby are, approved and adopted as the findings of fact and conclusions of law of the undersigned.

It is further ordered, That Dwaine Brown, code member, his representatives, agents, servants, employees, attorneys, successors or assigns, and all other persons acting or claiming to act in his behalf, cease and desist and they are hereby enjoined and restrained from failing to file a report of all sales of coal sold and shipped from his mine as required by Order No. 318, dated February 15, 1941, or from otherwise violating the Act, the Code, and the rules and regulations thereunder .

It is further ordered, That upon failure or neglect of the code member to comply with this Order, the Division may forthwith apply to the Circuit Court of Appeals of the United States where such code member carries on business for the enforcement thereof, or may take any other appropriate action.

Dated: June 2, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-5191; Filed, June 3, 1942; 11:01 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Administration.

[Docket No. AO 10-A 8]

ST. LOUIS, MO., MILK HANDLING

NOTICE OF HEARING

Notice of hearing with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and Order No. 3, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area.

Notice is hereby given of a hearing to be held at the Forrest Park Hotel, Pine and Euclid Streets, St. Louis, Missouri, beginning at 10:00 a. m., c. w. t., June 12, 1942, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and Order No. 3, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area.

This notice is given pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 *et seq.*), and in accordance with the General Regulations of the Agricultural Marketing Administration, United States Department of Agriculture, as amended (6 F.R. 6570; 7 F.R. 3350).

This public hearing is for the purpose of receiving evidence with respect to the amendments which are hereinafter set forth in detail. These amendments have not received the approval of the Secretary of Agriculture, and at the hearing evidence will be received relative to all aspects of the marketing conditions which are dealt with by the provisions to which such amendments relate. The amendments which have been proposed are as follows:

A. Proposed by Sanitary Milk Producers:

1. Delete the proviso of § 903.1 (a) (9) which reads: *Provided,* That a handler operating a plant or plants from which no milk is disposed of for fluid consumption in the marketing area shall be a nonhandler with respect to such plant or plants.

2. Amend § 903.3 (b) (1) to include all buttermilk and flavored milk drinks in Class I milk.

3. Delete from lines 1 and 2 of § 903.3 (c) the words "or skim milk."

4. Amend § 903.4 (a) (1) to read as follows:

(1) Class I milk—The price for Class I milk shall be the price per hundredweight, determined under subparagraph (3) of this paragraph, plus the following amounts per hundredweight:

Delivery period:	*Amount (dollars per cwt.)*
May through June	1.00
July through November	1.20
December through April	1.10

Provided, That if the price so determined is less than the price set forth in the Butter Price Plan as listed below, plus the amount that the condensery paying price, as determined under subparagraph (3) of this paragraph, is in excess of the condensery code price, then the price determined by the Butter Price Plan shall be used.

BUTTER PRICE PLAN

Butter price plan (cents per lb.)	May through June	July through November	December through April
	Dollars per cwt.	*Dollars per cwt.*	*Dollars per cwt.*
Under 25	2.14	2.34	2.24
25 or over, but under 28	2.28	2.48	2.38
28 or over, but under 31	2.42	2.62	2.52
31 or over, but under 34	2.56	2.76	2.66
34 or over, but under 37	2.70	2.90	2.80
37 or over, but under 40	2.84	3.04	2.94
40 or over, but under 43	2.98	3.18	3.08
43 or over, but under 46	3.12	3.32	3.22
46 or over, but under 49	3.26	3.46	3.36
49 or over, but under 52	3.40	3.60	3.50
52 or over, but under 55	3.54	3.74	3.64
55 or over, but under 58	3.68	3.88	3.78
58 or over, but under 61	3.82	4.02	3.92
61 or over, but under 64	3.96	4.16	4.06
64 or over, but under 67	4.10	4.30	4.20
67 or over, but under 70	4.24	4.44	4.34
70 and over	4.38	4.58	4.48

5. Amend § 903.4 (a) (2) to read as follows:

(2) *Class II milk.* The price for Class II milk shall be the average price per hundredweight, determined under subparagraph (3) of this paragraph, plus the following amount per hundredweight:

Delivery period:	*Amount (Dollars per cwt.)*
May through June	0.25
July through November	.35
December through April	.30

6. Add at the end of § 903.4 (a) (3) the following: or multiply by 3.5 the average price per pound of 92-score butter at wholesale in the Chicago market as reported by the United States Department of Agriculture for the delivery period during which such milk is received, plus 8.6 times the price of skim milk powder as reported by the United States Department of Agriculture for such delivery period, whichever is the higher.

7. Add at the end of § 903.4 (d) the following: No location differential should be allowed on milk manufactured into evaporated milk.

8. Amend all portions of the present order inconsistent with the above proposals.

B. Proposed by The Square Deal Milk Producers Association of Illinois and The Cooperative Milk Producers Association of Missouri:

1. Delete subparagraphs (1) and (2) of § 903.4 (a) and substitute therefor the following:

(1) *Class I milk.* The price for Class I milk shall be the average price per hundredweight, determined under subparagraph (3) of this paragraph, plus the following amounts per hundredweight:

Delivery period:	Amount (*dollars per cwt.*)
April through June	1.40
July through November	1.60
December through March	1.50

(2) *Class II milk.* The price for Class II milk shall be the average price per hundredweight, determined under subparagraph (3) of this paragraph, plus the following amount per hundredweight:

Delivery period:	Amount (*dollars per cwt.*)
April through June	0.40
July through November	.60
December through March	.50

Provided, That during the delivery periods of January through June the price of milk used by such handler for evaporated milk in hermetically sealed containers, or disposed of by such handler to the plant of any other person where such milk is manufactured into evaporated milk and placed in hermetically sealed containers, shall be the average of the basic, or field, prices per hundredweight determined for the plants listed in subparagraph (3) of this paragraph.

C. Proposed by Handlers:

1. Delete § 903.4 (b) (1) and substitute therefor the following:

§ 903.4 (b) Price of Class I milk disposed of outside the marketing area.

(1) Except as provided in subparagraph (2) of this paragraph, 5 cents per hundredweight shall be added to the price of Class II milk determined pursuant to subparagraph (2) of paragraph (a) of this section with respect to all Class I milk disposed of by such handler in all markets outside the marketing area, excepting Bonhomme Township, Missouri, on any wholesale or retail route.

2. Add to § 903.4 the following:

The maximum price to be paid by handlers for Class I and Class II milk shall not exceed the prices paid by handlers for Class I and Class II milk for the delivery period of March 1942.

3. Delete § 903.4 (b) (2) and substitute therefor the following:

(2) The price to be paid by such handler for Class I milk disposed of outside the marketing area to Government institutions and establishments, including Scott Field Military Reservation and Jefferson Barracks, Missouri, on the basis of bids shall be the price for Class I milk determined pursuant to subparagraph (1) of paragraph (a) of this section: *Provided,* That until January 1, 1943, the price to be paid pursuant to this subparagraph shall be the price determined pursuant to Order No. 3 (Amendment No. 1) effective December 5, 1941.

4. Add to § 903.4 the following: Price for onion-flavored and other off-flavor milk. For milk containing foreign odors and flavors, including onion and garlic, received from producers, the price to be paid by handlers shall be the price computed by the market administrator in accordance with the following formula: multiply by 3.5 the average price per pound of 92-score butter at wholesale in the Chicago market as reported by the United States Department of Agriculture for the delivery period during which such milk was received.

5. Amend all portions of the current order inconsistent with the foregoing proposals to conform thereto.

D. Proposed by Dairy and Poultry Branch, Agricultural Marketing Administration, United States Department of Agriculture:

1. Reconsider the butterfat differential provided under § 903.8 (c).

2. Reconsider the amounts and application of the location differentials provided by § 903.4 (d).

Copies of this notice of hearing and of Order No. 3, as amended, now in effect, may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0312 South Building, Washington, D. C., or may be there inspected.

[SEAL] THOMAS J. FLAVIN,
Assistant to the Secretary of Agriculture.[1]

Dated: June 2, 1942.
Washington, D. C.

[F. R. Doc. 42-5202; Filed, June 3, 1942; 11:29 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

FRUIT JUICE PROCESSING INTO WINE, ETC.

HEARING ON EXEMPTION FROM MAXIMUM HOURS PROVISION OF FAIR LABOR STANDARDS ACT

In the matter of the exemption of the processing of fresh grapes and other fresh fruits into wine, grape juice, or brandy from the maximum hours provisions of the Fair Labor Standard Act of 1938 as an industry of a seasonal nature pursuant to section 7 (b) (3) of the Act and Part 526 as amended of the regulations issued thereunder.

Whereas, an application has been filed by the Wine Institute of San Francisco, California, for exemption from the maximum hours provisions of the Fair Labor Standards Act of 1938 of the processing of fresh grapes and other fresh fruits into wine, grape juice, or brandy as an industry of a seasonal nature, pursuant to section 7 (b) (3) of the Act and Part 526, as amended, of the regulations issued thereunder.

Now, therefore, notice is hereby given that a public hearing will be held at the National Offices of the Wage and Hour Division, 165 West 46th Street, New York, New York, at 10:00 a. m., on June 19, 1942, before Merle D. Vincent, the duly authorized representative of the Administrator, for the purpose of receiving evidence on the following question:

Whether the processing of fresh grapes or other fresh fruits into wine, grape juice, or brandy, or any subdivision or combination of these activities is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526 as amended of the regulations issued thereunder, and if so the appropriate limits of such industry.

Any person interested in being heard on this matter may appear at the hearing or file a written statement in lieu of personal appearance. Written statement must be filed with the Administrator of the Wage and Hour Division, 165 West 46th Street, New York, New York, at any time prior to the date of the hearing or with the presiding officer at the hearing.

Signed at New York, New York, this 2d day of June 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-5168; Filed, June 3, 1942; 9:25 a. m.]

SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under Section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective June 4, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Southern Athletic Co., Inc., 106 South Day Street, Knoxville, Tennessee; Barrack Bags; 10 percent; 6 weeks for any one learner; 30 cents per hour; Sewing Machine Operator; July 30, 1942.

Signed at New York, N. Y., this 2d day of June 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-5169; Filed, June 3, 1942; 9:25 a. m.]

[1] Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 7 F.R. 2656).

SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective June 4, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

The Badger Raincoat Co., 209 Franklin St., Port Washington, Wisconsin; Men's and Boys' clothing, sportswear, other outerwear, leather and sheep lined garments, rainwear; 20 learners (E); December 4, 1942.

Stuart Mfg. Co., Inc., 521 S. Main St., South Brewer, Maine; Mackinaws, Finger tip coats, loafer coats; 5 learners (T); June 4, 1943.

Utica Knitting Co., Mill No. 8, 1712 Erie Street, Utica, New York; Woven shorts; 20 learners (E); December 4, 1942.

Single Pants, Shirts and Allied Garments and Women's Apparel

Freeburg Manufacturing Co., Freeburg, Illinois; Dresses; 50 learners (E); December 4, 1942.

Mount Carmel Mfg. Co., Fifth & Walnut Streets, Mount Carmel, Pennsylvania; Boys' shirts; 6 learners (T); June 4, 1943.

Pinckneyville Mfg. Co., Pinckneyville, Illinois; Dresses; 70 learners (E); December 4, 1942.

B. C. Undergarment Co., Catheryne St., Bloomsburg, Pennsylvania; Ladies' cotton night gowns; 4 learners (T); November 20, 1942.

Artificial Flower and Feather Industry

Artificial Leaf Corp., 104 Bleecker St., New York, N. Y.; Artificial flowers and feathers; 15 learners (T); July 20, 1942.

Glove

Waldorf Knitting, Inc., 243 West 17th St., New York, New York; Knit Wool Gloves; 40 learners (E); December 4, 1942.

Hosiery

Elkton Textile Mills, Elkton, Maryland; Full-fashioned hosiery; 10 learners (T); June 4, 1943.

Knitted Wear

Moyer Knitting Mills, Richland, Pennsylvania; Knitted Outerwear; 5 learners (T); June 4, 1943.

Sinberg Mfg. Co., Inc., 8th & Pittston Streets; Allentown, Pennsylvania; Knitted underwear; 35 learners (E); December 4, 1942.

Textile

Columbus Mfg. Co., 3200 First Ave., Columbus, Georgia; Cotton; 6 percent (T); June 4, 1943.

Signed at New York, N. Y., this 2d day of June 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-5170; Filed, June 3, 1942; 9:25 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4666]

DI-FUNCTION COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of June, A. D., 1942.

In the matter of Di-Function Company, Inc., a corporation.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Arthur F. Thomas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, July 6, 1942, at ten o'clock in the forenoon of that day (central standard time) in the Probate Room, Fifth Floor, Records Building, Dallas, Texas.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-5193; Filed, June 3, 1942; 11:17 a. m.]

[Docket No. 4736]

SCREEN BROADCAST CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of June, A. D. 1942.

In the matter of Screen Broadcast Corporation, a corporation, et al.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That W. W. Sheppard, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, June 10, 1942, at ten o'clock in the forenoon of that day (eastern standard time) in Hearing Room, Federal Trade Commission Building, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial

examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42-5194; Filed, June 3, 1942; 11:17 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Special Order O.D.T. No. B-2]

COORDINATION OF MOTOR PASSENGER CARRIERS BETWEEN OMAHA, NEBR., LOS ANGELES, CALIF., AND SIOUX CITY, IOWA

Directing coordinated operation of passenger carriers by motor vehicle between Omaha, Nebraska, and Los Angeles, California, via Salt Lake City, Utah, and between Omaha, Nebraska, and Sioux City, Iowa.

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of passengers, filed with this Office by Burlington Transportation Company, Chicago, Illinois, and Interstate Transit Lines, Omaha, Nebraska, and in order to assure maximum utilization of the facilities, services, and equipment of common carriers of passengers by motor vehicle, and to conserve and providently utilize vital equipment, material, and supplies, including rubber, the attainment of which purposes is essential to the successful prosecution of the war:

It is hereby ordered, That:

1. Burlington Transportation Company shall reduce its through service over U. S. Highway 30 between Omaha, Nebraska, and Salt Lake City, Utah, to one (1) round trip daily, and Interstate Transit Lines shall reduce its through service over U. S. Highway 30 between Omaha, Nebraska, and Salt Lake City, Utah, to three (3) round trips daily.

2. Burlington Transportation Company shall reduce its through service over U. S. Highway 91 between Salt Lake City, Utah, and Los Angeles, California, to two (2) round trips daily, and Interstate Transit Lines shall reduce its through service over U. S. Highway 91 between Salt Lake City, Utah, and Los Angeles, California, to three (3) round trips daily.

3. Burlington Transportation Company and Interstate Transit lines shall each reduce its through service over U. S. Highway 73 between Omaha, Nebraska, and Sioux City, Iowa, to two (2) round trips daily.

4. On the routes described in paragraphs 1, 2, and 3 hereof, Burlington Transportation Company and Interstate Transit Lines shall each adjust existing schedules or establish new schedules to eliminate duplication of times of departure, to afford reasonable service to all passengers.

5. Burlington Transportation Company and Interstate Transit Lines, on the routes described in paragraphs 1 and 2 hereof, shall each honor the tickets of the other between all points where equal fares apply, except from the points of origin specified in such tickets.

6. Burlington Transportation Company and Interstate Transit Lines in accordance with law, forthwith shall file with the Interstate Commerce Commission and appropriate State regulatory bodies, and publish, and continue in effect until further order, tariffs covering the practices described in paragraph numbered 5 hereof, and forthwith shall apply to said Commission and regulatory bodies for special permission for such tariffs to become effective on one-day's notice.

7. Interstate Transit Lines shall make available for use of Burlington Transportation Company and Burlington Transportation Company shall use the depot facilities of Interstate Transit Lines at Fremont and Grand Island, Nebraska, and Rock Springs, Wyoming. Service, travel information, and ticket sales at each such point shall be impartial and without preference or discrimination for or against either carrier.

8. Burlington Transportation Company and Interstate Transit Lines, on the routes described in paragraphs 1 and 3 hereof, shall eliminate duplicate ticket commission agencies wherever practical and utilize joint ticket commission agencies and facilities. Service, travel information, and ticket sales at each such point shall be impartial and without preference or discrimination for or against either carrier.

This Order shall become effective on the tenth day of June, 1942, and shall remain in effect until the further order of this Office. (E.O. 8989, 6 F.R. 6725) Issued at Washington, D. C., this 2d day of June 1942.

JOSEPH B. EASTMAN, *Director of Defense Transportation.*

[F. R. Doc. 42-5159; Filed, June 2, 1942; 3:11 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 1 under Revised Price Schedule 53 [1]—Fats and Oils]

CHARLES S. BUSH COMPANY, PROVIDENCE, RHODE ISLAND

MAXIMUM PRICES FOR CRUDE WOOL GREASE AND DEGRAS

On April 23, 1942, Charles S. Bush Company of Providence, Rhode Island filed an application for the determination of its maximum price on crude wool grease and degras pursuant to § 1351.151 (b) (7) of Revised Price Schedule No. 53. Due consideration has been given to the application, and an opinion in support of this Order has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the Opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with § 1351.151 (b) (7) of Revised Price Schedule No. 53, issued by the Office of Price Administration: *It is hereby ordered:*

(a) The maximum selling price of the Charles S. Bush Company of Providence, Rhode Island, on crude wool grease and degras in 100 drum lots (each drum of approximately 500 pounds) shall be 8.325 cents per pound, F. O. B. seller's shipping point.

(b) The customary quantity differentials of the Charles S. Bush Company prevailing during the year 1941 shall apply.

(c) The maximum selling price hereinbefore fixed shall be subject to adjustment at any time by the Office of Price Administration.

(d) This Order No. 1 and determination shall become effective June 2, 1942.

Issued this 2d day of June 1942.

LEON HENDERSON, *Administrator.*

[F. R. Doc. 42-5163; Filed, June 2, 1942; 5:14 p. m.]

[1] 7 F.R. 1309, 1836, 2132, 3430, 3821.

[Docket No. 3120-4]

BRIMSTONE COAL COMPANY

ORDER GRANTING EXCEPTION

Order No. 8 Under Maximum Price Regulation No. 120 [1]—Bituminous Coal Delivered From Mine or Preparation Plant.

On May 9, 1942, Brimstone Coal Company, 115 East Rich Street, Columbus, Ohio, filed a petition for an amendment or an adjustment or exception, pursuant to § 1340.207 (a) of Maximum Price Regulation No. 120.[2] Due consideration has been given to the petition, and an opinion in support of this Order No. 8 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator, by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[3] issued by the Office of Price Administration: *It is hereby ordered:*

(a) Brimstone Coal Company may sell and deliver, and agree, offer, solicit, and attempt to sell and deliver the kinds and grades of bituminous coal from its Brimstone Mine (Mine Index No. 67) set forth in paragraph (b), below, at prices not in excess of those stated therein. Any person may buy and receive, and agree, offer, solicit, and attempt to buy and receive, such kinds and grades of bituminous coal from said mine at such prices from Brimstone Coal Company.

(b) (1) On all shipments, except truck or wagon shipments, railroad fuel shipments and except shipments via Great Lakes for uses other than vessel or bunker fuel, from its Brimstone Mine (Mine Index No. 67) in Size Groups 2, 6, 8 and 20, Brimstone Coal Company may charge prices not to exceed $3.40, $3.15, $2.75 and $2.35 per ton f. o. b. the mine, respectively.

(2) On shipments via Great Lakes for all uses except railroad fuel, vessel and

[1] 7 F.R. 3168, 3447, 3901.

[2] 7 F.R. 971.

bunker fuel in Size Groups 2, 6, 8 and 20 from its Brimstone Mine (Mine Index No. 67), Brimstone Coal Company may charge prices not to exceed $2.90, 2.70, $2.35 and $2.35 per ton f. o. b. the mine, respectively.

(c) This Order No. 8 may be revoked or amended by the Price Administrator at any time.

(d) All prayers of the petition not granted herein are denied.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(f) This Order No. 8 shall become effective June 3, 1942.

Issued this 2d day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5182; Filed, June 3, 1942; 9:41 a. m.]

[Docket No. 3120-9]

BUCKEYE COAL AND COKE COMPANY

ORDER GRANTING EXCEPTION

Order No. 9 under Maximum Price Regulation No. 120[1]—Bituminous Coal Delivered From Mine or Preparation Plant.

On May 13, 1942, the Buckeye Coal and Coke Company, Freeman, West Virginia, filed a petition for an adjustment or exception pursuant to § 1340.207 (a) of Maximum Price Regulation No. 120.[1] Due consideration has been given to the petition, and an opinion in support of this Order No. 9 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator, by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[2] issued by the Office of Price Administration, it is hereby ordered:

(a) Buckeye Coal and Coke Company may sell and deliver, and agree, offer, solicit, and attempt to sell and deliver the kinds and grades of bituminous coal from its Buckeye No. 3 Mine (Mine Index No. 35) set forth in paragraph (b) below, at prices not in excess of those stated therein. Any person may buy and receive, and agree, offer, solicit, and attempt to buy and receive, such kinds and grades of bituminous coal from said mine at such prices from Buckeye Coal and Coke Company.

(b) On shipments other than truck or wagon in Size Groups 8, 9 and 10 from its Buckeye No. 3 Mine (Mine Index No. 35) Buckeye Coal and Coke Company may charge prices not to exceed $2.75 per ton f. o. b. the mine.

(c) This Order No. 9 may be revoked or amended by the Price Administrator at any time.

(d) All prayers of the petition not granted herein are denied.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(f) This Order No. 9 shall become effective June 3, 1942.

Issued this 2d day of June 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-5183; Filed, June 3, 1942; 9:42 a. m.]

[1] 7 F.R. 3168, 3447, 3901.
[2] 7 F.R. 971.

SECURITIES AND EXCHANGE COMMISSION.

[File No. 43-139]

OKLAHOMA POWER AND WATER COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE SUBJECT TO CONDITIONS AND RESERVING JURISDICTION TO ENTER FINDINGS AND OPINION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of May, A. D. 1942.

Oklahoma Power and Water Company, a public utility subsidiary of The Middle West Corporation, a registered holding company, having filed a declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935 relating to the proposed extension of the maturity date from August 1, 1942, to August 1, 1943, of $412,000 principal amount of its unsecured 5% promissory notes held by Sand Springs Home, Sand Springs, Oklahoma, each of the said notes containing a provision permitting the proposed extension of maturity to be effected at the option of the company by written notice to the Sand Springs Home, at least sixty days prior to August 1, 1942; the declarant having requested that an order be entered prior to the due date upon which the 60-day notice must be given, permitting the declaration to become effective; and

A hearing having been held after due notice, argument having been presented to the Commission, and the Commission being advised in the premises;

It is ordered, That the said declaration be and it hereby is permitted to become effective subject, however, to the following conditions:

(1) That the proposed issue and sale of said notes shall be effected in substantial compliance with the terms and conditions of, and for the purposes represented by, said declaration, as amended.

(2) That within ten days after the isssue and sale of said notes, the declarant shall file with this Commission a certificate of notification that the issue and sale have been effected in accordance with, and for the purposes represented by, said declaration, as amended.

(3) That no dividends be declared or paid on any class of stock of Oklahoma Power and Water Company without application to and further order of the Commission.

It is further provided, That jurisdiction is hereby reserved to enter the Commission's written findings and opinion herein in due course.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-5173; Filed, June 3, 1942; 9:26 a. m.]

[File No. 70-543]

NORTHERN INDIANA PUBLIC SERVICE COMPANY, AND GARY ELECTRIC AND GAS COMPANY

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 2d day of June A. D. 1942.

Northern Indiana Public Service Company and Gary Electric and Gas Company, subsidiaries of Clarence A. Southerland and Jay Samuel Hartt, Trustees of the estate of Midland Utilities Company, having filed declarations pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 thereof, and Rules U-42 and U-43 thereunder, regarding the following transactions:

Northern Indiana Public Service Company proposes to purchase from Gary Electric and Gas Company 328 shares of no par common stock of Northern Indiana Public Service Company for an aggregate amount of $2,675.66.

Pursuant to orders of the Commission dated November 25, 1941 and January 2, 1942 (*Northern Indiana Public Service Company, et al.*, File No. 70-355, Holding Company Act Releases Nos. 3145 and 3250) Northern Indiana Public Service Company, on February 10, 1942, issued and delivered to Gary Electric and Gas Company 305,508 shares of no par common stock of Northern Indiana Public Service Company, in payment of part of the consideration for the purchase of the stock of Gary Heat, Light and Water Company. On the same date, Gary Electric and Gas Company declared a partial liquidating dividend for the distribution, in kind, of whole shares of no par common stock of Northern Indiana Public Service Company. After distribution of the whole shares there remain 328 shares of Northern Indiana Public Service Company stock, which, if they were redistributed, would result in each of the public stockholders receiving a fraction of a share. The 328 shares of common stock of Northern Indiana Public Service Company will therefore be purchased from Gary Electric and Gas Company by Northern Indiana Public Service Company and the cash proceeds in the amount of $2,675.66 will be distributed to and among the public stockholders in lieu of such fractional shares. The 328 shares of common stock of Northern Indiana Public Service Company will be retired.

Said declarations having been filed on May 5, 1942, and notice of filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for

a hearing with respect to said declarations within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission deeming it appropriate and in the public interest, and in the interest of investors and consumers to permit said declarations pursuant to Rules U-42 and U-43 to become effective.

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declarations be, and hereby are permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-5174; Filed, June 3, 1942; 9:27 a. m.]

[File No. 70-547]

THE NORTH AMERICAN COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 2d day of June, A. D. 1942.

The North American Company, a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935 particularly sections 12 (b) thereof and Rule U-43 thereunder regarding a proposed distribution on or about July 1, 1942 in payment of a dividend on its common stock of not more than 155,000 shares of the capital stock of The Detroit Edison Company; and

Said declaration having been filed on May 16, 1943 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 under said Act and the Commission not having received a request for hearing with respect to said declaration within the period specified within such notice or otherwise and not having ordered a hearing thereon; and The North American Company having requested that said declaration as filed become effective forthwith; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective pursuant to said section 12 (b) and said Rule U-43, and being satisfied that the effective date of said declaration should be advanced;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid declaration be and the same is hereby permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-5175; Filed, June 3, 1942; 9:27 a. m.]

[File No. 70-520]

PUBLIC SERVICE ELECTRIC AND GAS COMPANY

SUPPLEMENTAL ORDER GRANTING AMENDED APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 2d day of June 1942.

Public Service Electric and Gas Company, a subsidiary of Public Service Corporation of New Jersey, in turn a subsidiary of The United Gas Improvement Company and The United Corporation, both registered holding companies, having filed an application and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereof and Rule U-50 thereunder, regarding the issue and sale of $15,000,000 principal amount of First and Refunding Mortgage Bonds, 3% Series, due 1972, the proceedings to be applied, in part, to reimburse applicant's treasury for expenditures for property additions and extensions, and, in part, to provide funds for further property additions and extensions, applicant to publicly invite proposals for the purchase of the bonds in accordance with Rule U-50; and

The Commission having, on May 20, 1942, granted such application pursuant to section 6 (b) of the Act, subject to the condition, among others, that applicant report to the Commission the result of the competitive bidding, as required by Rule U-50 (c), and comply with such supplemental order as the Commission may enter in view of the facts disclosed thereby, jurisdiction having been reserved for this purpose; and

Public Service Electric and Gas Company having made such report to the Commission in the form of a further amendment to the application herein, setting forth the action taken to comply with Rule U-50 (b) and specifying the proposals which have been received for the purchase of said bonds pursuant to the invitation for competitive bids and stating that Public Service Electric and Gas Company has accepted a bid for said bonds from a group of twenty underwriters headed by Halsey, Stuart & Co., Inc., of 103.5597%, plus accrued interest from May 1, 1942 to the date of delivery, and that said bonds are to be resold to the public at 104.5%, and accrued interest, representing a spread to the underwriters of .9403%; and

The Commission having examined the record and finding no basis for imposing any terms and conditions with respect to the issue and sale of said bonds at such price and with such spread;

It is ordered, That said application, as amended, be and it hereby is granted in regard to the price to the applicant, spread, and distribution thereof applicable to said bonds, subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42-5176; Filed, June 3, 1942; 9:27 a. m.]

[File Nos. 70-427, 59-30, 54-49, 70-534]

VIRGINIA PUBLIC SERVICE COMPANY, ET AL.

ORDER MODIFYING ORDER OF MAY 22, 1942, WITH RESPECT TO CERTAIN FUNDS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 29th day of May, A. D. 1942.

The Commission having, by order entered May 22, 1942, exempted a refunding program of Virginia Public Service Company pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, and subject to certain terms and conditions; and

Said order having provided that, as a condition to the issuance thereof, General Gas & Electric Corporation should surrender to Virginia Public Service Company $1,200,000 of First and Refunding Bonds, and said order having provided that Virginia Public Service Company hold in a special account or deposit in escrow cash in the amount of $1,164,000 plus interest which shall have accrued on said bonds up to the date such funds are so deposited; and

General Gas & Electric Corporation having applied for a modification of said order for the purpose of permitting Virginia Public Service Company to pay and General Gas & Electric Corporation to receive the six-months' installment of interest maturing on said bonds on June 1, 1942, and in connection therewith and as part of said application General Gas & Electric Corporation having stipulated as follows:

1. That no claim will be made against Virginia Public Service Company for interest on the escrowed funds, should the subordination issue be finally determined in favor of General Gas & Electric Corporation.

2. That the Commission's action in so modifying its order will not be used by General Gas & Electric Corporation, either in proceedings before the Commission or upon appeal, as the basis of any contention that the Commission has thereby prejudiced its position with respect to the merits of the subordination issue.

It appearing to the Commission that said request for modification of said order may appropriately be granted;

It is ordered, That Condition No. (3) of the Commission's order of May 22, 1942 be and is hereby modified by adding at the end thereof the following sentence:

Nothing herein contained shall affect the liability of Virginia Public Service Company to pay, or the right of General Gas & Electric Corporation to receive the six-months' installment of interest maturing on said bonds on June 1, 1942, and said interest may be paid by Virginia Public Service Company to General Gas & Electric Corporation: *Provided however,* That the receipt of such interest by General Gas & Electric Corporation shall, in accordance with the stipulation of General Gas & Electric Corporation, constitute an agreement by General Gas & Electric Corporation to the following effect:

(a) That no claim will be made against Virginia Public Service Company for interest on the escrowed funds, should the subordination issue be finally determined in favor of General Gas & Electric Corporation.

(b) That the receipt of such interest or the Commission's action in permitting the receipt thereof will not be used by General Gas & Electric Corporation, either in pro-

ceedings before the Commission or upon appeal, as the basis of any contention that the Commission has thereby prejudiced its position with respect to the merits of the subordination issue.

It is further ordered, That in all other respects said order of May 22, 1942 will stand in full force and effect.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-5177; Filed, June 3, 1942; 9:27 a. m.]

[File Nos. 59-20, 59-8]

THE COMMONWEALTH & SOUTHERN CORPORATION (DELAWARE) AND SUBSIDIARY COMPANIES

NOTICE OF AND ORDER RECONVENING HEARINGS

In the Matter of the Commonwealth & Southern Corporation (Delaware) Respondent, and The Commonwealth & Southern Corporation (Delaware) and its Subsidiary Companies, Respondents.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 29th day of May 1942.

The Commission having heretofore instituted these proceedings pursuant to sections 11 (b) (1) and 11 (b) (2) of the Public Utility Holding Company Act of 1935 with respect to The Commonwealth & Southern Corporation and its Subsidiary Companies; and

The Commission having, on April 9, 1942, issued an order pursuant to section 11 (b) (2) of the Act directing the simplification of the corporate structure of The Commonwealth & Southern Corporation, and said order having consolidated said proceedings with the section 11 (b) (1) proceeding then pending, for the purpose of holding further hearings; and

The Commission having, on May 16, 1942, denied the petition for rehearing of the order issued April 9, 1942, and being of the opinion that the hearings on the issues arising under section 11 (b) (1) should be resumed promptly as the next order of business;

It is hereby ordered, That the consolidated hearings herein be reconvened on the 16th day of June 1942, at 10:00 o'clock in the forenoon of that day at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on said date by the hearing room clerk in Room 318.

It is further ordered, That without limiting the scope of the issues presented in these proceedings, particular attention will be directed at said reconvened hearing to the following matters:

(a) Which of the electric and gas utility properties within The Commonwealth & Southern Corporation holding-company system constitute integrated electric or gas public-utility systems under the Act;

(b) Which of the integrated public-utility systems in The Commonwealth & Southern Corporation holding-company system constitutes the single integrated public-utility system to which the operations of The Commonwealth & Southern Corporation holding-company system should be limited, and what additional integrated public-utility systems, if any, may be retained under common control with the single integrated public-utility system pursuant to the provisions of Clauses (A), (B) and (C) of section 11 (b) (1);

(c) Whether and to what extent the non-utility businesses of the companies in The Commonwealth & Southern Corporation holding-company system are reasonably incidental, or economically necessary or appropriate to the operations of the single integrated public-utility system and to such additional integrated public-utility systems, if any, as may be retainable under the Act.

It is ordered, That William W. Swift, or any other officer of the Commission designated by it for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to respondents, intervenors and to any other person whose participation in the proceeding herein may be in the public interest or for the protection of investors and consumers.

It is further ordered, That the Secretary of the Commission shall serve notice of the entry of this order by mailing a copy thereof by registered mail to the respondents herein; and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

It is further ordered, That any person proposing to intervene or to be heard in these proceedings shall file with the Secretary of the Commission on or before the 13th day of June 1942 his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 42-5178; Filed, June 3, 1942; 9:28 a. m.]

G. P. LYLE COMPANY

FINDINGS AND ORDER REVOKING REGISTRATION AS BROKER AND DEALER

In the matter of G. P. Lyle, doing business as G. P. Lyle Company, 216 Jefferson Building, Peoria, Illinois.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of May, A. D. 1942.

1. G. P. Lyle, doing business as G. P. Lyle Company, a sole proprietorship, is registered with this Commission as a broker and dealer under section 15 of the Securities Exchange Act of 1934, and is a member of the National Association of Securities Dealers, Inc., a national securities association registered pursuant to section 15A of said Act.

2. On April 15, 1942, we instituted proceedings under section 15 (b) of said Act to determine whether registrant's registration as a broker and dealer should be suspended or revoked. The order for proceedings stated that information had been reported to the Commission by its staff, which, if true, tended to show that registrant had wilfully violated the anti-fraud provisions of section 17 (a) of the Securities Act of 1933, section 15 (c) (1) of the Securities Exchange Act of 1934, and the Commission's Rules X-15C1-2 (a) and (b) and X-15C1-4 (2) promulgated pursuant thereto.

The information reported to the Commission was to the effect that:

A. During a period from approximately February, 1936, to approximately December 31, 1941, registrant, while representing himself as engaged in the securities business, for the purpose of purchasing from and selling to certain persons, and inducing them to sell and purchase various securities at prices far below and far in excess of prevailing market prices, intended to and did withhold from such persons information as to the prevailing market prices thereof, and purchased from and sold to them and induced them to sell and to purchase such securities at prices having no reasonable relationship to such prevailing market prices.

B. During the period mentioned in Paragraph A, registrant induced various customers to buy securities at prices substantially higher and to sell securities at prices substantially lower than the prevailing market price of such securities by falsely representing to such customers that the prices at which registrant would and did effect such transactions were the prevailing market prices of such securities.

C. During the period mentioned in Paragraph A, registrant purchased and sold securities for the accounts of various customer and falsely represented to such customers the prices at which such purchases and sales had been effected, thereby obtaining secret profits.

D. During the period mentioned in Paragraph A, registrant, in certain transactions in which he was acting as agent for various customers, failed to give or send written notification to such customers disclosing the name of the person from whom the security was purchased or to whom it was sold for such customer, the date and time when such transactions took place or the fact that such information would be furnished upon the request of such customers, and the source and amount of any commission or other remuneration received or to be received by him in connection with the transactions.

E. Registrant used the mails and the instruments of interstate commerce in effecting transactions in and inducing the purchase and sale of the securities hereinbefore mentioned.

F. Registrant effected certain of the transactions hereinbefore mentioned otherwise than on a national securities exchange.

3. On April 30, 1942, registrant submitted to the trial examiner an "Answer and Consent" to revocation in which he acknowledges receipt and service of adequate notice of this proceeding, and waives opportunity for hearing.

In said "Answer and Consent", registrant further admits and acknowledges, for the purpose of this proceeding, and for that purpose only, the existence of the facts set forth in the Commission's order for proceedings and agrees to the receipt in evidence, as descriptive of the trading practices of registrant, of certain schedules and exhibits, namely—Schedule A, which contains transactions of registrant from July 1, 1941 to December 31, 1941, inclusive; Schedule B, which enumerates registrant's profits and indicates variances from prevailing market prices; and Exhibits 1, 2, 3, 4, and 5A, B & C, which are photo-copies of confirmation slips mailed out and used by registrant in connection with the transactions with five of the customers, as shown in Schedule B.

Registrant also consented to the entry of an order, revoking his registration as an over-the-counter broker and dealer, and expelling him from the National Association of Securities Dealers, Inc.

4. From these schedules in the record, it appears, and we find that registrant has effected approximately 28 transactions with his customers at prices which ranged from 16% to 25% in excess of the indicated market price for said securities—and that the spread, in dollars, in said transactions ranged from $60.00 to $1,312.50, above the indicated market price for said securities.

From the exhibits referred to, it appears and we find:

(1) That on April 29, 1937, registrant confirmed the sale to Riley Reams, a customer, of 50 shares of United Light and Railways 6.36% preferred at 100—for a $5,000.00 total, and these securities were obtained on May 3, 1937, by registrant, from Hickey, Doyle and Co. at 79¼ net or $3,962.50. The National Quotation Bureau Eastern sheets showed, on April 28, 1937, an offer at 80 by one broker and, on April 30, 1937, an offer at 80 by one broker.

(2) That on February 16, 1938, registrant confirmed that he had "Bought For" Riley Reams 160 shares of United Printers and Pub. Conv. Pfd. at 20 for $3,200.00, charging no commission, and on February 15, 1938, (the day before) these shares were purchased from Doyle O'Connor and Co. at 16 or a total purchase price of $2,560.00. Registrant obtained a secret profit of $640.00 on this transaction.

(3) That on July 1, 1937, registrant confirmed that he "Bought For" Mrs. Josephine E. Dutcher 200 shares of Hearst Consolidated Publications, Inc. 7% Pfd. stock at 25 for a total of $5,000.00. On the same day he purchased these shares from Doyle O'Connor and Co. at 20⅜ or $4,075. Registrant obtained a secret profit of $925.00 on this transaction.

5. We conclude, therefore, that registrant wilfully violated section 17 (a) of the Securities Act of 1933, and section 15 (c) (1) of the Securities Exchange Act of 1934 and Rules X-15C–1–2 (a) and (b) and X-15C–1–4 (2) of the Rules and Regulations thereunder; that the public interest requires revocation of his registration; and that it is necessary and appropriate in the public interest and for the protection of investors and to carry out the purposes of section 15A of the Securities Exchange Act and that he be expelled from the National Association of Securities Dealers, Inc.

Accordingly, it is ordered, pursuant to section 15 (b) and 15A (*l*) (2) of the Securities Exchange Act of 1934,

(1) That the registration of G. P. Lyle, doing business as G. P. Lyle Company, as a broker and dealer be, and it hereby is, revoked.

(2) That G. P. Lyle, doing business as G. P. Lyle Company, be, and he hereby is, expelled from the National Association of Securities Dealers, Inc.

By the Commission (Chairman Purcell and Commissioners Healy, Pike, Burke and O'Brien).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 42–5179; Filed, June 3, 1942; 9:28 a. m.]